



## Instructions

### 1. Entry - NCIC

- a. Supervisor stamp serial containing entry information, check entry, initial and route to NCIC operator.
- b. NCIC operator make local and/or NCIC checks including III for additional information, make entry, route serial and printout to rotor clerk.  
(NCIC operator may stamp jacket, insert NCIC Activity Log as top serial in file and complete "entry" line.)
- c. Rotor clerk serialize printout, stamp jacket, insert NCIC Activity Log as top serial in file and complete "entry" line if not already accomplished by NCIC operator. Note: NCIC Activity Log is to be maintained as the top serial in the current volume of case file.

### 2. Modify - NCIC

- a. Supervisor stamp serial containing modify information, check modify, initial and route to NCIC operator.
- b. NCIC operator modify record, route serial and printout to rotor clerk. (NCIC operator may complete "modify" line on NCIC Activity Log.)
- c. Rotor clerk serialize printout and complete "modify" line on NCIC Activity Log, if not accomplished by NCIC operator.

### 3. Clear/Cancel - NCIC

- a. NCIC operator clears/cancels record upon notification by case agent or supervisor, routes, printouts to rotor clerk. (NCIC operator may complete "clear/cancel" line on NCIC Activity Log.)
- b. Rotor clerk serialized printout, completes "clear/cancel" line on NCIC Activity Log and makes slash marks (NCIC) through NCIC stamp of file jacket.

### 4. Validation - NCIC

- a. When validation printout is received from NCIC, an agent (or clerk if case is in closed status) will review the NCIC entry to insure that it is complete and accurate. Any discrepancy should be resolved by an appropriate agent and, if necessary, a modify message should be initiated to update and/or correct the record. When validation is completed, reviewer will date and initial NCIC Activity Log.

## Retention Periods

Unless otherwise removed, records will be retained in file as follows:

### Artice File

Remainder of the year of entry plus one year.

### Boat File

Remainder of the year of entry plus four years.

Records entered within BHN or OAN will remain in the file 90 days.

### Deported Felon File

Remains on file until such time as INS Headquarters takes action to remove it.

### Foreign Fugitives/Canadian Warrant File

Retained indefinitely until entering agency removes record from file.

### Gun File

Retained indefinitely until entering agency removes record from file.

Recovered weapons are retained for the remainder of the year of entry plus two years.

### Interstate Identification Index

Retained until the individual reaches the age of 99.

### License Plate File

Retained in file for one year after the end of the plate's expiration year.

Nonexpiring license plates remain in file for the remainder of the year of entry plus four years.

### Missing Person File

Retained indefinitely until action is taken by the entering agency to clear the record.

This includes unemancipated juvenile records.

### Protection Order File

Active records - Retained until canceled or cleared by entering agency or expiration.

Temporary records will remain active for a maximum of one year from the date of entry.

Inactive records - Retained on-line for the remainder of the year in which cleared or expired plus five years.

### Securities File

Retained for the remainder of the year of entry plus four years, except records for travelor's check and money orders. These records will be retained for the remainder of the year of entry plus two years.

### U.S. Secret Service Protective File

Retained indefinitely until action is taken by the U.S. Secret Service to remove it.

### Unidentified Person File

Retained indefinitely or until removed by entering agency.

### Vehicle File

Retained for the remainder of the year of entry plus four years.

Records entered which do not contain VINs or OANs will remain in file for 90 days after entry.

Felony vehicles will remain in file for 90 days after entry.

Stolen parts (VIN plates, harrows, or boat motors) which contain an OAN or SER will remain in file for the year of entry plus four years.

### Violent Gang and Terrorist Organization File

GMC records - Automatically purged 5 years from the date of entry or when an entering agency removes its entry, providing that agency is the sole agency of interest for the group/subgroup.

Only records entered by corrections agencies remain past five years.

GRC records - Single interest - indefinitely or until removed by entering agency.

Multiple Interests - indefinitely or until all agencies remove their records.

### Wanted Person File

Retained until action is taken by the originating agency to clear/cancel the record.

Temporary felony want records will be automatically removed from file after 48 hours.

FILED  
ASHEVILLE, N.C.

FEB 12 2009

U.S. DISTRICT COURT  
W. DIST. OF N.C.

## United States District Court

WESTERN

DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

v.

## CRIMINAL COMPLAINT

JOHN JACKSON ADAMS  
46 Adams Estate Road  
Whittier, North Carolina 28789  
DOB: 04/20/1938

CASE NUMBER: 2:09 MJT

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about February 5, 2009 in Swain and Buncombe counties, in the Western District of North Carolina defendant(s) did, (Track Statutory Language of Offense)

threaten to murder a United States Official with the intent to impede, intimidate, or interfere with such official while engaged in the performance of official duties or to retaliate against such official on account of the performance of official duties

in violation of Title 18 United States Code, Section(s) 115

I further state that I am a(n) Special Agent - Federal Bureau of Investigation and that this complaint is based on the following facts:

Official Title

See Attached Affidavit hereby incorporated by reference as if fully restated herein.

Continued on the attached sheet and made a part hereof:

☒ Yes☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

Special Agent  
Federal Bureau of Investigation2/12/2009  
Dateat Asheville, North Carolina  
City and StateDennis L. Howell  
United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer

89A-CE-94597.1

JDL/Howell  
LAWD

## Western District of North Carolina

### Asheville, North Carolina

This Affiant, Christopher M. Lando, Special Agent, Federal Bureau of Investigation, being duly sworn, states the following:

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), assigned to the Asheville Resident Agency, Charlotte Division, in Asheville, North Carolina. This affiant has been employed as a Special Agent of the FBI since 2002. Prior to the FBI, I was employed as a police officer then sergeant with a northern Virginia police department for seven years.
2. I am presently investigating violations of Federal Laws, specifically, violations of Title 18 United States Code, Section 115, Influencing, impeding, or retaliating against a Federal official by threatening.
3. As a result of personal participation in the investigative matters referred to in this affidavit, and based upon reports made to me by other law enforcement officers, I am familiar with the facts and circumstances of this investigation. On the basis of that familiarity, I state the following:
  4. At approximately 5:42 p.m. on February 5, 2009, an unknown male caller left a voice mail for Congressman Heath Shuler at his Asheville District Office, located in Asheville, North Carolina within the Western District of North Carolina. The message stated that "I voted for you. If you don't vote for that stimulus package, I'm gonna kill you. Simple as that." The call was received on the office's main telephone number of 828-252-1651. Approximately three minutes later, the same caller left a second voice mail indicating that he did not understand what was going on in Washington. He also stated his daughter had gone to school with the Congressman, and that he was a republican who voted for the Congressman. The voice mail was discovered on the morning of February 6, 2009, and the staff promptly notified the Capital Police as required by protocol.
  5. Investigation into the telephone number utilized to communicate the death threat revealed that the calls had been received from 828-488-4512.
  6. Once the caller's number was identified, the District Office stated that they had an open matter with a Jack Adams, of 46 Adams Estate Road, Whittier, North Carolina. Mr. Adams and his wife communicated with the Congressman's office to obtain assistance in dealing with the Veteran's Administration. Mrs. Adams stated she had been assaulted by Mr. Adams and that he was suffering from a mental illness. She wanted assistance in placing Mr. Adams in the psychiatric ward of the VA Hospital.
  7. Public database checks also revealed that the number utilized to communicate the death threat returned to a John Jackson Adams of the same address, which is also located within

the Western District of North Carolina, in Swain County.

8. Agents contacted Adams at his residence on February 11, 2009. When asked if he knew why Agents were at his residence, he stated it was because he had called Shuler. When asked to explain what happened when he called, Adams advised "I said I was gonna kill him." He appeared to state this without emotion, as a matter of fact. He did not elaborate further so he was asked if he wanted to kill the Congressman. He stated "I didn't mean it." Again, after a long pause he stated without emotion "It was a joke." He then volunteered that he did not even have a gun.

9. When asked about when he had made the call, Adams advised that it had been one evening last week, although he could not remember the date. He was watching CNN and saw something about the stimulus package and he stated he did not like what he saw. When asked how he had obtained the Congressman's telephone number, he produced a Rolodex and identified a card with "Congressman Heath Shuler" and the correct address and telephone number. He stated that he had called other times that evening, but he only left two messages. That is consistent with information obtained from investigation into the telephone records.

10. He stated that on his first message to Congressman Shuler he said "Heath, If you vote on this bill I'm gonna kill your ass." He described that on his second message he stated "This is Mr. Adams. You dated my daughter and went to school with her. Please don't vote on that bill." When asked he stated he had not threatened the Congressman on his second voice mail. When asked again why he would threaten to kill the Congressman, he stated that he was "just blowing off steam." When asked what he thought Congressman Shuler would think when the Congressman heard the voice mail, he stated he did not know what he would think. He then offered "I was trying to work the political scene." The Agent then asked him what he would think if someone left him a message saying they would kill him. He immediately stated he would be "upset." When asked if he would be scared and worried by it he stated "yeah."

11. Adams' wife Barbra Adams was interviewed and stated that in the last three months, there has been a drastic change in her husband's mental health. He has become violent and on one occasion he choked and beat her about the head. On a second occasion he discharged a shotgun in the air and then shoved it "in my butt." She indicated he has been charged for one of the assaults, and that she had also petitioned for an Emergency Custody Order to obtain mental health services for her husband, however he was subsequently released. For her safety, she had left for three weeks and had just returned on Friday, February 6, 2009. On that date she took him to the VA Hospital to see a mental health doctor who prescribed a new medication. Adams told the doctor that he was hearing voices, and this was the first time his wife had heard that symptom. Mrs Adams stated that the medication seemed to help, but that he had refused to take it the night before (February 10, 2009) and she had noticed a significant decrease in his mental stability. Mrs Adams had given family members all of the firearms in the residence that she was aware of, but she could not be sure she had all of the weapons. She also showed the Agents a can of mace she keeps on her person and sleeps with under her pillow. She has had to utilize the mace to keep him from attacking her.

12. Investigation revealed that Adams' daughter did attend high school with Congressman Shuler.

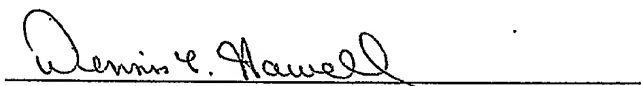
13. Based on the above information, the Affiant believes that, John Jackson Adams, born April 20, 1938, has committed a violation of Title 18, U. S. Code, Section 115.



Christopher M. Lando  
Special Agent-FBI

Sworn to before me and subscribed in my presence,

February 12, 2009 at Asheville, North Carolina



Dennis L. Howell      United States Magistrate Judge

Case ID: 89A-CE-94597

! CE 1 ! ROLADEx OF CONGRESSMAN SHULER

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1. *Journal of the American Medical Association*, 1997; 278: 1039-1044.

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1A Envelope

Case ID: 89A-CE-94597

! CE 1 ! ROLADEx OF CONGRESSMAN SHULER !

! CE	2 ! FGJ RETURN FROM	!
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! CE	3 ! FGJ RETURNS FROM	
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! CE	4	INTERVIEW NOTES, 02-11-09	!
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File Number

87A-CE-94577-1A1

Field Office Acquiring Evidence

CE

Serial # of Originating Document

26109

Date

From

(Name of Contributor/Interviewee)

(Address)

By

SA

(Date)

To Be Returned

☐ Yes☐ No

Receipt Given

☐ Yes☐ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)

Federal Rules of Criminal Procedure

☐ Yes☐ No

Federal Taxpayer Information (FTI)

☐ Yes☐ No

Title:

Reference:

(Communication Enclosing Material)

Description:

☐ Original notes re interview ofIndex of Congressman  
STULEKb6  
b7C

Congressman Heath Shuler  
356 Biltmore Avenue  
Suite 400  
Asheville, NC 28739

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File Number

89A-CE-94597

Field Office Acquiring Evidence

CE

1A4

Serial # of Originating Document

D:

Fr

b6

b7C

(Address)

By

SA

To Be Returned ☐ Yes ☒ NoReceipt Given ☐ Yes ☒ No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)

Federal Rules of Criminal Procedure

☐ Yes ☒ No

Federal Taxpayer Information (FTI)

☐ Yes ☒ No

Title:

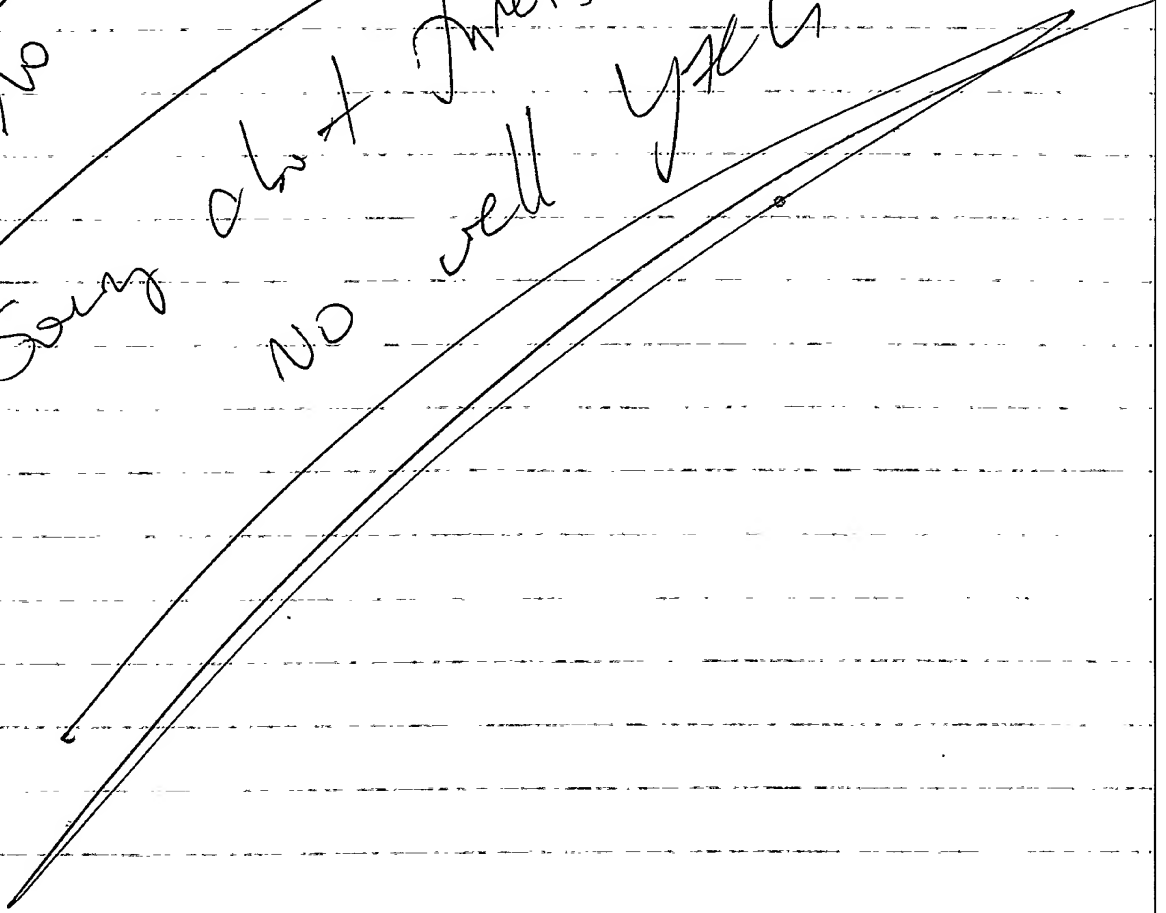
Reference:

(Communication Enclosing Material)

J

Sony full was ~~bad~~ bad

Sony about halfway to full  
NO well yeah



2/11/09

April 20, 38

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What about?

Calling Keith Schuker

Tell me about that

I said I was gonna kill him  
I don't want to  
I didn't hear it

It was a joke

don't have a gun.

one day last week  
watching CNN

Saw something about

Stimulus

didn't like what  
he saw

(methyl)

Quetiapine  
Fumarate  
50mg

per. on med b/c lost  
for 1st week what  
what

ARICEPT  
12mg

+ one unlabeled

Hester took 28th

to Room @ H.S.

grad saw y/n

1st Greenhouse

Fire sheets  
new 7

had Cog phone # because

he had problems w/ UA

~~because~~ & called Cog  
for help.

# in Rolodex (given over)  
cc # \$ new card.

---

Called 2 or 3 times  
Left message 2x  
~ 5 min apart.

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Call Heath if you vote a  
1 This bill I'm gonna  
kill you're AS

Call This is me   
2 I dated my daughter  
I went to school with her

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b7C

please don't use on  
that bill

Q: did u threaten on 2<sup>nd</sup> call  
— NO

3<sup>rd</sup> call ~~same~~ NO message

Every time some the time

Why say it  
don't know - just  
blows off steam

any guns  
R hidden  
she hasn't seen them made the five guns  
to nephews



Choked & lost her black  
& blue

Since NOUP<sup>PS</sup> gotten worse

Now = beating

+ several since

3 week ago w/ son

LAST two weeks w/ Lucy

Can look for a new med

what did u want HS to think  
when heard

Has no thought @ all

I was trying to work the  
political scene.

Last time seen H.S. before election

6 ft 7 in  
brown hair  
2



incl the  
photo article

If left that message  
how you feel

Up at

Q. Sami & married  
yeah.

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FBI - Charlotte  
Name/Squad:  
Suite 900, Wachovia Building  
400 S. Tryon Street  
Charlotte, NC 28285-0001

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FD-340 (Rev. 4-11-03)

File Number

89A-CE 94597

1A2

Field Office Acquiring Evidence

CE

Serial # of Originating Document

Date Received

2/10/09

From

[Redacted Box]

(Address)

(City and State)

By

SA

[Redacted Box]

To Be Returned

☐

Yes

☐

No

Receipt Given

☐

Yes

☒

No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)

Federal Rules of Criminal Procedure

☒

Yes

☐

No

Federal Taxpayer Information (FTI)

☐

Yes

☐

No

Title:

Reference:

(Communication Enclosing Material)

Description:

☐

Original notes re interview of

FGS return from

[Redacted Box]

de/ash

☐ UNCLASSIFIED, NOT SENSITIVE  
☐ SENSITIVE, BUT UNCLASSIFIED  
☐ CONFIDENTIAL  
☐ SECRET

FOR INTERNAL USE ONLY

FBI - Charlotte  
Name/Squad:

Suite 900, Wachovia Building  
400 S. Tryon Street  
Charlotte, NC 28285-0001

71 77-97000

FD-340 (Rev. 4-11-03)

1A3

File Number

89A-CE-94557

Field Office Acquiring Evidence

CE

Serial # of Originating Document

Date Received

2/10/09

From

VIA FGJ

(Name of Contributor)

(Address)

(City and State)

By

SA

To Be Returned

☐

Yes

☒

No

Receipt Given

☐

Yes

☒

No

Grand Jury Material - Disseminate Only Pursuant to Rule 6 (e)

Federal Rules of Criminal Procedure

☒

Yes

☐

No

Federal Taxpayer Information (FTI)

☐

Yes

☒

No

Title:

Reference:

(Communication Enclosing Material)

Description:

☐

Original notes re interview of

FGJ RETURNS

1A3

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☐ SENSITIVE, BUT UNCLASSIFIED  
☐ CONFIDENTIAL  
☐ SECRET

## United States District Court

WESTERN

DISTRICT OF NORTH CAROLINA

UNITED STATES OF AMERICA

V.

JOHN JACKSON ADAMS

Date of Birth 04/20/1938  
46 Adams Estate Road  
Whittier, North Carolina 28789

## WARRANT FOR ARREST

CASE NUMBER: 2:09mj7

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

JOHN JACKSON ADAMS

and bring him or her forthwith to the nearest magistrate to answer a(n)

☐ Indictment ☐ Information ☒ Complaint ☐ Order of court ☐ Violation Notice ☐ Probation Violation Petition

charging him or her with (brief description of offense) threatening to murder a United States Official with the intent to impede, intimidate, or interfere with such official while engaged in the performance of official duties or to retaliate against such official on account of the performance of official duties

in violation of Title 18 United States Code, Section(s) 115Dennis L. Howell

Name of Issuing Officer

United States Magistrate Judge

Title of Issuing Officer

Signature of Issuing officer

February 12, 2009

Date and Location

Bail fixed at \$ \_\_\_\_\_ by \_\_\_\_\_  
Name of Judicial Officer

## RETURN

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

89A-CE-94597.2

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# INCIDENT/INVESTIGATION REPORT

Page 3

Asheville Police Department

OCA

09-003743

Status Codes	L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found													
	DCI	Status	Quantity	Type Measure	Suspected Type	Check up to 3 types of activity for each								
D R U G S						Possess	Buy	Sale	Mfg	Importing	Operating			
O F F E N D E R	Offender Used		<input type="checkbox"/> Yes <input type="checkbox"/> Unk <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		Offender 1		Offender 2		Offender 3		Primary Offender Resident Status <input type="checkbox"/> Resident <input checked="" type="checkbox"/> Non-Resident <input type="checkbox"/> Unknown			
	Alcohol/Drugs		<input type="checkbox"/> Yes <input type="checkbox"/> Unk <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		Age: 70 Race: W Sex: M		Age: Race: Sex:		Age: Race: Sex:					
	Computer		<input type="checkbox"/> Yes <input type="checkbox"/> Unk <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A		Offender 4		Offender 5		Offender 6					
					Age: Race: Sex:		Age: Race: Sex:		Age: Race: Sex:					
S U S P E C T	Occupation				Business Address									
	DOB. / Age				Race	Sex	Hgt	Wgt	Build	Hair Color	Hair Style	Hair Length	Eye Color	Glasses
					W	M				BRO			BLU	
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)													
	Hat		Jacket		Shirt/Blouse		Tie/Scarf		Coat/Suit		Pants/Dress/Skirt		Socks	Shoes
	Was Suspect Armed?		Type of Weapon				Direction of Travel				Mode of Travel			
	VYR	Make	Model	Style	Color	Lic/Lis	Vin							
	0													
	WIT NESS	Name (Last, First, Middle)					D.O.B.	Age	Race	Sex	Mobile Phone			
		Home Address					Home Phone		Employer			Phone		
N A R R A T I V E	Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input type="checkbox"/> No													
	During times stated, an unknown suspect made two threatening phone calls to victim. [02/06/2009 10:53, [REDACTED] APD]													

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# REPORTING OFFICER NARRATIVE

Asheville Police Department

Victim <b>SHULER, HEATH</b>		Offense <b>COMMUNICATING THREAT</b>	OCA <b>09-003743</b>
			Date / Time Reported <b>Fri 02/06/2009 10:46</b>

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Calls were made while offices were closed.

First call placed on 02-05-2009 at 1745 suspect stated, "Heath, If you don't vote for the stimulus package, I'm gonna kill you. It's that simple."

Second call placed on 02-05-2009 at 1751 suspect stated, "You went to school with my daughter and I can't believe what's happening in Washington. I'm a Republican and I voted for you."

Complainant stated [REDACTED] is the office manager and can be reached at [REDACTED] [02/06/2009 11:01, [REDACTED] APD]

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Reporting Officer: [REDACTED]  
Printed By [REDACTED] 02/11/2009 16:57

Page 3



# Incident Report Additional Suspect List

Asheville Police Department

OCA: 09003743

## Additional Suspect List

Page 4

S U S P E C  T	Name (Last, First, Middle)		Also Known As		Home Address	
	Empl/Occu			Business Address		
	DOB. / Age		Race	Sex	Hgt	Wgt
	70-		W	M		
	Scars, Marks, Tattoos, or other distinguishing features					Physical Char
	Type of Weapon					
Dir of Travel			Mode of Travel			
VehYr/Make/Model		Style	Color	Lic/Lis	Vin	

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b7C

# CASE SUPPLEMENTAL REPORT

Printed: 02/11/2009 16:57

Asheville Police Department

OCA: 09003743

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *FURTHER INVESTIGATION* Case Mng Status: *FURTHER INVESTIGATION* - Occured: 02/05/2009

Offense: *COMMUNICATING THREAT*

Investigator

Supervisor

Contact:

Date / Time: 02/06/2009 18:28:40, Friday

Supervisor Review Date / Time: 02/07/2009 15:36:19, Saturday

Reference: *Investigative Follow-up*

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On 02/06/09 at 1715hrs Det [ ] called the office of Heath Shuler. There was no answer and Det [ ] left a voice mail.

at 1718 Det [ ] called RF [ ] He stated Shuler will be in town this weekend and does not have security. He has reported this to the Capitol Police who he stated did not appear to be interested.

Det [ ] contacted the Court Order Bureau of AT&T at 1-800-813-6442 and spoke to [ ] Their office was closing in twenty minutes. Det [ ] described the situation and requested information under exigent circumstances. [ ] stated a request on letterhead would be appropriate and she would be able to provide the information as long a search warrant was later obtained and submitted. Det [ ] faxed a letter of request and received the pertinent information.

The number given is [ ] and noted as a Verizon number. Det [ ] called the number and there was no answer. Det [ ] searched CAD, RMS and 411 without a match.

At 1825hrs Det [ ] called [ ] and relayed that the information received did not provide a name or lead. Det [ ] stated she would follow up and determine if any more information can be gained. [02/06/2009 18:37, [ ] APD]

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Supervisor:

Contact:

Date / Time: 02/10/2009 14:12:26, Tuesday

Supervisor Review Date / Time: 02/10/2009 14:59:18, Tuesday

Reference: *Investigative Follow-up*

On 2/10/09 at 1220 hours Sgt [ ] contacted Verizon Wireless at 800-451-5242 and inquired if Verizon subscriber [ ] is a registered Verizon customer. Sgt [ ] also ask if Verizon has an exigent circumstance form. Verizon stated that the subscriber is a Verizon customer. Verizon requested Sgt [ ] send a exigent circumstance request on APD letterhead. Sgt. [ ] completed a type request and faxed it to:

Exigent Circumstance Legal Department  
Cellco Partnership DBA Verizon Wireless  
180 Washington Valley Road  
Bedminster, NJ 07921  
908-306-7501.

On 2/10/09 at 1321 hours Sgt. [ ] received a fax form Verizon Wireless. The fax stated that subscriber [ ] a Verizon Communication's subscriber (land phone line).

## CASE SUPPLEMENTAL REPORT

Printed: 02/11/2009 16:57

Asheville Police Department

OCA: 09003743

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: FURTHER INVESTIGATION Case Mng Status: FURTHER INVESTIGATION - Occured: 02/05/2009

Offense: COMMUNICATING THREAT

Investigator: [REDACTED]

On 2/10/09 at 1347 hours Sgt. [REDACTED] completed an emergency situation disclosure request form to obtain subscriber information for [REDACTED]. Sgt. [REDACTED] faxed the request to Verizon Communications at:

Verizon Communications  
Verizon Legal Compliance  
PO Box 1001  
2701 South Johnson Street  
San Angelo, Tx, 76904  
888-483-2600  
Fax: 325-949-6919

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On 2/10/09 at 1358 hours Sgt. [REDACTED] received an email containing subscriber information for [REDACTED]. The registered subscriber is listed as:  
Jackson County Sheriff Office  
978 Piney Mountain Road  
Whitter, NC 28789

Sgt. [REDACTED] contacted the Jackson County Sheriff's Office at 828-586-2458 which is the detention facility. Sgt. [REDACTED] inquired if the detention facility has the capability of recording inmate phone calls or tracking outgoing calls. The Sheriff deputy stated they did not. The deputy stated that all inmates call are collect calls only.

On 2/10/09 at 1510 hours Sgt. [REDACTED] met with [REDACTED] at Congressman Shuler's office 356 Biltmore Avenue, Ste. 400. [REDACTED] utilized a digital voice recorder and recorded the suspect's voice messages.

On 2/1/09 at 1600 hours Sgt. [REDACTED] contacted Lt. [REDACTED] of the Jackson County Sheriff's Office. Lt. [REDACTED] stated that phone number [REDACTED] is located in a satellite office at 978 West Piney Mountain Road. Lt. [REDACTED] stated that the sheriff's office has an office in the volunteer fire department's and EMS building. Lt. [REDACTED] stated that the building and office is only accessible by passkey and there are approximately 30 individuals who have access. Lt. [REDACTED] ask for a copy of the voice messages and stated he would notify the sheriff and an investigation would be conducted to determine who made the calls. Sgt. [REDACTED] emailed the voice messages and incident report to Lt. [REDACTED] at [REDACTED]@jacksonnc.org".

Supervisor: (0)

Date / Time: 02/11/2009 16:21:40, Wednesday

Contact:

Supervisor Review Date / Time: NOT REVIEWED

b6  
b7C

Reference: Investigative Follow-up

On 2/10/09 at 2010 hours Sgt. [REDACTED] spoke with Lt. [REDACTED]. Lt. [REDACTED] stated that the Jackson County Sheriff's Office had obtained the call records for their Verizon Communication phone number [REDACTED]. [REDACTED] emailed the call log record to [REDACTED]. This call record displayed that only two calls were made from Verizon subscriber [REDACTED] on 2/5/09:

2/9/09 at 1647 to [REDACTED]  
2/9/09 at 1649 to [REDACTED]

of [REDACTED]  
of [REDACTED]

**CASE SUPPLEMENTAL REPORT**  
**NOT SUPERVISOR APPROVED**

Printed: 02/11/2009 16:57

Asheville Police Department

OCA: 09003743

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Case Status: *FURTHER INVESTIGATION* Case Mng Status: *FURTHER INVESTIGATION* - Occured: 02/05/2009

Offense: *COMMUNICATING THREAT*

Investigator: [REDACTED]

Sgt. [REDACTED] contacted AT&T and Verizon Communications. AT&T phone records list the originating call number [REDACTED] as the Verizon number that called Congressman Shuler's office number of [REDACTED] Verizon Communication phone records list subscriber [REDACTED] as Jackson County Sheriff's Office. Outgoing calls from Verizon Communication subscriber [REDACTED] indicated no calls from [REDACTED] to [REDACTED] AT&T confirmed that originating call numbers from other carriers may only display the first six digits of the originating call number and the last four digits would be general displayed as default numbers 0000, 1111, or 2222. AT&T advised that the originating call number carrier for [REDACTED] should be contacted to obtain the last four digits of the originating call number. Verizon Communications informed Sgt. [REDACTED] that the prefix 586 could be a land line or a land line number which has been ported to a cell phone. Verizon Communications stated that [REDACTED] with the last four digits [REDACTED] can relate to carrier transfer for a long distance call made from a Verizon subscriber and the originating call was transferred through several locations, resulting in the actual originating number being replaced with the default Verizon number of [REDACTED] b6 b7C

On 2/11/09 at 1205 hours Sgt. [REDACTED] and Sgt. [REDACTED] meet with [REDACTED] Regional Field Representative for Congressman Shuler. The meeting took place at Congressman Shuler's office located at [REDACTED] [REDACTED] requested to record the voice messages again. Sgt. [REDACTED] explained that when he recorded the messages on 2/10/09 the recorder accidentally picked up a desk phone ringing in the office and it also recorded radio traffic emitting from Sgt. [REDACTED]'s radio. Sgt. [REDACTED] record the messages. Sgt. [REDACTED] requested to review the call history of the desk phone. A review of the phones call history displayed that three numbers called [REDACTED] on 2/5/09 between 1742 and 1750 hours. The calls were displayed as:

[REDACTED] at 1742 hours  
[REDACTED] at 1744 hours  
[REDACTED] at 1750 hours

Sgt. [REDACTED] dialed 411 and determined that number [REDACTED] is registered to [REDACTED] [REDACTED] After reviewing the voice messages it was determine that the caller identified himself as [REDACTED]

1745 hours call [REDACTED] I voted for you Heath. If I find that you voted for this stimulus package, I'm gonna kill you, simple as that." b6 b7C

1751 hours call: "You went to school with my daughter. I can't believe what's happening in Washington right now. I can't believe it. I voted for you and I'm a Republican."

Sgt. [REDACTED] located a NC driver license for [REDACTED] [REDACTED] contacted Sgt. [REDACTED] and stated that Congressman Shuler's office has a file on [REDACTED] because he once worked on Congressman Shuler's campaign and there were some issue with [REDACTED] has been added into RMS as the suspect in this case. All documents have been forwarded to FBI Agent [REDACTED] for follow up. [02/11/2009 16:53, [REDACTED] APD]

Detective [redacted]  
Criminal Investigations  
Phone: [redacted]  
Fax: (828) 350-0092

**Asheville Police  
Department  
Criminal  
Investigations**

**Fax**

**To:** [redacted] **From:** Detective [redacted]  
**Fax:** 1-800-294-9805 **Date:** 02/06/09  
**Phone:** [redacted] ext 0 **Pages:** 2  
**Re:** Letter **CC:**  
**Urgent** ☐ **For Review** ☐ **Please Comment** ☒ **Please Reply** ☐ **Please Recycle**

Please see attached request

b6  
b7c



# City of Asheville, NC

Police Department

AT&T  
Court Order Bureau  
500 E 8th St, RM 1302  
Kansas City, MO 64106

Fax 800-294-9805

Attn: [REDACTED]

Dear Ms. [REDACTED]

As reported to the Asheville Police Department in case number 09-003743 on 2/06/09, the life of Congressman Heath Shuler was threatened in two separate messages left on the local office voice mail.

The calls were received on 02/05/09 at 1745hrs and 1751hrs at [REDACTED]. Please provide any records for that number in between 1700hrs and 1830hrs on 02/05/09. The congressman is in the local area this weekend and the threats came from someone who claimed Shuler attended school with his daughter.

A search warrant for this information will be provided as soon as it is obtained. Please provide any information by fax to Detective [REDACTED] of the Asheville Police Department at [REDACTED].

[REDACTED]  
Asheville Police Department  
Criminal Investigations Division

[REDACTED] cell

P.O. Box 7148 • Asheville, N.C. 28802 • 828-259-5880 • [www.ashevillenc.gov](http://www.ashevillenc.gov)

*The City of Asheville is committed to delivering an excellent quality of service to enhance your quality of life.*

AT&T Court Order Bureau  
500 East 8th  
Room 1302  
Kansas City, MO 64106  
Ph: [REDACTED] Fax: 8002949805

The information contained in the following facsimile message is proprietary and confidential information intended for the use of the individual or entity named on this cover sheet. If the reader of this message is not the intended recipient or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited.

TO:

[REDACTED]  
POLICE DEPT: ASHEVILLE NC  
PHONE: [REDACTED]  
FAX : 8283500092

b6  
b7C

FROM:  
PHONE:

[REDACTED]

NUMBER OF PAGES : 8 4  
(EXCLUDING COVER)

SENT ON: Feb 06, 2009 17:07:46

PLEASE CALL [REDACTED] IF FAX TRANSMISSION IS INCOMPLETE

AT&T Court Order Bureau  
500 East 8th  
Room 1302  
Kansas City, MO 64106

Feb 06, 2009

POLICE DEPT:ASHEVILLE NC  
PO BOX 7148

ASHEVILLE NC 28802

REF: C-2009-02-06-231

Attn:

The AT&T Court Order Bureau has received your court  
order number BD EMER.

Your case has been assigned the control number of C-2009-02-06-231. <sup>b6</sup>  
<sup>b7c</sup>

The information contained in this document must be maintained by  
your agency for tracking purposes. Any special bills issued by  
the COB will reference the assigned Control Number.

Detailed target and requested line(s) information is attached.  
Please feel free to contact me on  if you have any  
questions regarding this case.

Sincerely,

Attachment



Page : 1  
RUN DATE: 02/06/2009

## ASSIGNMENT NOTIFICATION REPORT

Control Number:	2009-02-06-231	Category:	BLG# SEARCH
Open Date:	02/06/2009	Classification:	STATE
Effective Date:	02/06/2009	Status:	OPEN
Expiration Date:	02/11/2009	Service/Credit Info:	SERVICE
Court Order No:	BD EMER	Internet Intercept:	NO
TOLL:	YES		
T3 Intercept:	NO		
Build-Out:	NO		

## ----- LEA CONTACT &amp; BILLING INFO -----

Agency: POLICE DEPT: ASHEVILLE NC  
Phone number: [REDACTED] Fax Number: 8283500092  
Contact Name: [REDACTED]

b6  
b7C

Proprietary  
Not for use or disclosure outside the AT&T family of  
companies except under written agreement

Page : 2  
RUN DATE: 02/06/2009

-----  
--TARGET INFORMATION--  
-----

Target Number:   
Trap/Trace: NO  
CNA: YES

Billing # Search: YES  
Start Date: 02/06/2009  
End Date: 02/11/2009

b6  
b7C

Proprietary  
Not for use or disclosure outside the AT&T family of  
companies except under written agreement

#	Connect_D	Connect_T	Disconnected	Call Number	Time Number	Diald Number	Elapsed_MCIC	
1	2/5/2009	17:50:42	17:52:15				1.55	9
2	2/5/2009	17:45:01	17:47:35				2.57	9
3	2/5/2009	17:42:08	17:43:30				1.37	9
4	2/5/2009	17:10:51	17:11:10				0.32	
5	2/5/2009	17:04:21	17:06:19				1.97	3332
Query Parameters:								
Databases: LD ALS BLSS								
Start Date: 2-5-2009@17:00:00 End Date: 2-5-2009@17:53:00								
Query Time Zone: Switch Local								
Terminating Number(s)								
Output Type: Detail								
Sort Key(s): -ConnDate -ConnTime								
Detail Call Limit (per database): 5000								
AT&T Proprietary (Restricted)								
Only for used by authorized individuals within the AT&T								
companies and not for general distribution								

Verizon  
South-Central

CAD - Neg

RMS - Neg

b6 411 - Nothing Listed  
b7C

02/06/2009 18:12 FAX 8002849805

SBC COURT ORDER BUREAU

005/005

[Redacted]  
Criminal Investigations  
Phone: [Redacted]  
Fax: (828) 350-0092

**Asheville Police  
Department  
Criminal  
Investigations**

# Fax

**To:** [Redacted] AT&T **From:** Detective [Redacted]  
**Fax:** 1-800-294-9805 **Date:** 02/17/09  
**Phone:** [Redacted] ext 0 **Pages:** 5  
**Re:** Search Warrant **CC:**  
**Urgent** ☐ **For Review** ☐ **Please Comment** ☐ ☒ **Please Reply** ☐ **Please Recycle**

b6  
b7C

AT&T Court Order Bureau  
500 East 8<sup>th</sup>, Room 1302  
Kansas City, MO 64106

Please see the attached search warrant reference your control number C-2009-02-06-231.

Film No.

File No.

## SEARCH WARRANT

In the Matter of

AT&amp;T phone number 828-252-1651

Date Issued

2/12/2009

Time Issued

1:30

☐☒ AM

Name of Applicant

Det Janice Hawkins

Name of Additional Affiant

N/A

Name of Additional Affiant

N/A

## RETURN OF SERVICE

I certify that this Search WARRANT was received and executed as follows:

Date Received

2/12/2009

Time Received

☐ AM☐ PM

Date Executed

Date and Time Returned



I made a search of



I seized the items listed on the attached inventory



I did not seize any items



This warrant was not executed within 48 hours of the date of issuance and I hereby return it not executed.

Signature of Officer Making Return

Department or Agency of Officer  
Asheville Police DepartmentAOC-CR-119  
Rev 8/83

STATE OF NORTH CAROLINA

In the General Court of Justice

BUNCOMBE COUNTY

District Court Division

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as describe in the application.

You are commanded to search the premises, vehicle, person, and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and the keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath by the person or persons shown.

Signature

☐ Deputy CSC☐ Asst. CSC☐ Clerk of Superior Court☒ Magistrate☐ District Ct. Judge☐ Superior Ct. Judge

This Search Warrant was returned to me on the date and time shown below

Date

Time

☐ AM☐ PM

Signature

☐ Deputy CSC☐ Asst. CSC☐ Clerk of Superior Court

# APPLICATION FOR SEARCH WARRANT

I, DET. JANICE HAWKINS OF THE ASHEVILLE POLICE DEPARTMENT

(Insert name and address; or if law enforcement officer, name, rank, and agency)

being duly sworn, request that the court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that SEE ATTACHMENT PAGE ONE SECTION ENTITLED

"PROPERTY TO BE SEIZED"

(Describe property to be seized; or if search warrant is to be used for searching a place

to serve an arrest warrant or other process, name person to be arrested)

constitutes evidence of a crime and the identity of a person participating in a crime,  
SEE ATTACHMENT PAGE ONE SECTION ENTITLED "CRIMES", and is located

(Name Crime)

(check appropriate box(es) and fill-in specified information)

☒ in the following premises SEE ATTACHMENT PAGE ONE SECTION ENTITLED

(Give address and if useful, describe premises)

"IN THE FOLLOWING PREMISES"

(and)

☐ on the following person(s) N/A

(Give name(s) and, if useful, describe person(s))

(and)

☐ in the following vehicle(s) N/A

(Describe vehicle(s))

(and)

☐ N/A

(Name and/or describe other places or items to be searched, if applicable)

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:

THE FACTS TO ESTABLISH PROBABLE CAUSE FOR THE ISSUANCE OF THIS SEARCH WARRANT ARE SET FORTH ON ATTACHMENT PAGE ONE THROUGH ATTACHMENT PAGE TWO IN SECTION ENTITLED "FACTS TO ESTABLISH PROBABLE CAUSE".

SWORN TO AND SUBSCRIBED BEFORE ME

Date

Signature

Signature of Applicant

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Superior Court ☒ Mag. ☐ Judge

☐ In addition to the affidavit included above, this application is supported by additional affidavit(s) attached, made by:

☐ In addition to the affidavit included above, this application is supported by sworn testimony, given by:

This testimony has been (check appropriate box) ☐ reduced to writing ☐ tape recorded and I have filed each with the Clerk.

\*If a continuation is necessary, continue the statement on an attached sheet of paper with a notation saying "see attachment."  
Date the continuation and include on it the signatures of applicant and issuing official.

ATTACHMENT PAGE ONE attached to the Search Warrant Application of Det Janice Hawkins dated February 12, 2009 in the matter of AT&T number 828-252-1651.

**"PROPERTY TO BE SEIZED"**

1. The originating number for calls terminating at 828-252-1651 on February 5, 2009 between the hours of 1700hrs and 1830hrs.
2. Any identifying information for the originating number including the account holder names and address and company name from which the service was issued.

**"CRIMES"**

1. Communicating Threats in Violation of N.C.G.S. 14-277.1
2. Harassing Phone Calls in Violation of N.C.G.S 14-196
3. Threat Against a Executive, Legislative, or Court Officer in violation of N.C.G.S 14-16.7

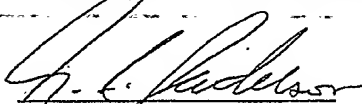
**"IN THE FOLLOWING PREMISES"**

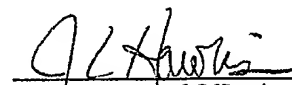
AT&T Court Order Bureau  
500 East 8<sup>th</sup>  
Room 1302  
Kansa City, MO 64106  
PH: 1-800-813-6442  
FAX: 1-800-294-9805

**"FACTS TO ESTABLISH PROBABLE CAUSE"**

**THE AFFIANT SWEARS TO THE FOLLOWING FACTS TO ESTABLISH PROBABLE CAUSE FOR ISSUANCE OF A SEARCH WARRANT:**

I, the affiant, Janice L. Hawkins, am a sworn Law Enforcement Officer in the State of North Carolina employed by the Asheville Police Department for nine years. The affiant maintains the rank of Detective in the Criminal Investigations Division. The affiant's has investigated numerous cases involving residential, business, and vehicular break-ins, misdemeanor and felony larceny, sexual assaults, narcotics, frauds, assaults, homicides, and other community complaints and criminal violations. These investigations have resulted in both the arrest and conviction of numerous persons. The affiant has participated in the execution of numerous search warrants resulting in the seizure of weapons, controlled substances, drug paraphernalia, and evidence directly related to the commission of crimes. The affiant has extensive training in the field of investigations.

  
(Signature of Official)  
2-12-09  
(Date)

  
(Signature of Officer)  
2.12.09  
(Date)

ATTACHMENT PAGE TWO attached to the Search Warrant Application of Det Janice Hawkins dated February 12, 2009 in the matter of AT&T number 828-252-1651

**"FACTS TO ESTABLISH PROBABLE CAUSE" continued**

On 2/5/09 at 1745 hours an unknown person called US Congressman Heath Shuler's office number 828-252-1651 located at 356 Biltmore Avenue Ste 400, Asheville NC 28801. The caller left a voice message stating "John Adams. I voted for you Heath. If I find that you voted for this stimulus package, I'm gonna kill you, simple as that."

On 2/5/09 at 1751 hours an unknown person called US Congressman Heath Shuler's office number 828-252-1651 and left a voice message stating "You went to school with my daughter. I can't believe what's happening in Washington right now. I can't believe it. I voted for you and I'm a Republican."

On 2/6/09 at 1718 hours US Congressman Heath Shuler's local representative Randy Flack confirmed that US Congressman Heath Shuler would be in the area over the weekend.

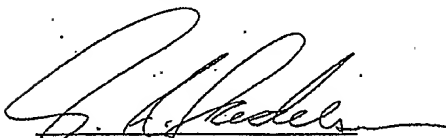
Randy Flack states that the office of US Congressman Heath Shuler has no way of determining what number the threatening calls came from. The AT&T number Randy Flack provided, 828-252-1651, is the number to US Congressman Heath Shuler's office at 356 Biltmore Ave, Suite 400, Asheville, NC 28801. He requested that Det Janice Hawkins obtain a search warrant on 828-252-1651 to determine where the calls to US Congressman Heath Shuler originated.

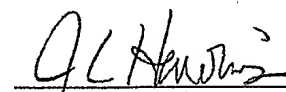
Through training, knowledge, and experience as a law enforcement officer, the affiant knows phone service providers maintain records related to subscriber information, account registration, credit information, billing and airtime records, outbound and inbound call detail, connection time and dates, Internet routing information (Internet Protocol numbers), and message content, that may assist in the identification of person/s accessing and utilizing the account.

The affiant request all documentation be faxed to Det Janice Hawkins at 828-350-0092.

\* It is requested that AT&T not disclose this search warrant application as it could impede the criminal investigation. Such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates, flee, or continue his flight from prosecution.

**THEREFORE, THE AFFIANT RESPECTFULLY REQUESTS OF THE COURT  
THE ISSUANCE OF A SEARCH WARRANT:**

  
(Signature of Official)  
2-12-09  
(Date)

  
(Signature of Officer)  
2.12.09  
(Date)



\* \* \* Communication Result Report ( Feb. 12. 2009 3:12AM ) \* \* \*

2}

Date/Time: Feb. 12. 2009 3:10AM

File	No. Mode	Destination	Pg(s)	Result	Page Not Sent
0282	Memory TX	918002949805	P. 5	OK	

Reason for error  
 E. 1) Hang up or line fail  
 E. 3) No answer  
 E. 5) Exceeded max. E-mail size

E. 2) Busy  
 E. 4) No facsimile connection

[Redacted]  
 Criminal Investigations  
 Phone [Redacted]  
 Fax (202) 350-0092

Asheville Police  
 Department  
 Criminal  
 Investigations

b6  
 b7C

# Fax

To [Redacted] AT&T From Detective [Redacted]  
 Fax 1-800-294-9905 Date 02/03/09  
 Phone [Redacted] 10 Pages: 5  
 Ect Search Warrant CC:

Urgent ☐ For Review ☐ Please Comment ☒ Please Reply ☐ Please Recycle

AT&T Court Order Bureau  
 500 East 6<sup>th</sup>, Room 1302  
 Kansas City, MO 64106

Please see the attached search warrant reference your control number C-2009-02-05-231.

Detective [redacted]  
Criminal Investigations  
Phone: [redacted]  
Fax: (828) 350-0092

**Asheville Police  
Department  
Criminal  
Investigations**

# Fax

**To:** Verizon Legal Compliance **From:** Detective [redacted] b6  
b7C  
**Fax:** 1-325-947-3022 **Date:** 02/12/09  
**Phone:** [redacted] **Pages:** 6  
**Re:** Search Warrant **CC:**  
**Urgent** ☐ **For Review** ☐ **Please Comment** ☐ ☒ **Please Reply** ☐ **Please Recycle**

Verizon Legal Compliance

P.O. Box 1001

6<sup>th</sup> Floor North

San Angelo, TX 76902

Please see the attached search warrant reference your case number 09257145000.

Film No. File No.

# SEARCH WARRANT

In the Matter of

Verizon phone number 828-586-0000

Date Issued

2/12/2009

Time Issued

1:30

☐

☒ AM

Name of Applicant

Det Janice Hawkins

Name of Additional Affiant

N/A

Name of Additional Affiant

N/A

## RETURN OF SERVICE

I certify that this Search WARRANT was received and executed as follows:

Date Received

2/12/2009

Time Received

☐ AM

☐ PM

Date Executed

Date and Time Returned

☐

I made a search of

as commanded.

☐

I seized the items listed on the attached inventory

☐

I did not seize any items

☐

This warrant was not executed within 48 hours of the date of issuance and I hereby return it not executed.

Signature of Officer Making Return

Department or Agency of Officer  
Asheville Police Department

AOC-CR-119  
Rev 8/83

STATE OF NORTH CAROLINA

In the General Court of Justice

BUNCOMBE COUNTY

District Court Division

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as describe in the application.

You are commanded to search the premises, vehicle, person, and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and the keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath by the person or persons shown.

Signature

*[Signature]*

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Superior Court

☒ Magistrate ☐ District Ct. Judge ☐ Superior Ct. Judge

This Search Warrant was returned to me on the date and time shown below

Date

Time

☐ AM

☐ PM

Signature

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Superior Court

# APPLICATION FOR SEARCH WARRANT

I, DET. JANICE HAWKINS OF THE ASHEVILLE POLICE DEPARTMENT

(Insert name and address; or if law enforcement officer, name, rank, and agency)

being duly sworn, request that the court issue a warrant to search the person, place, vehicle, and other items described in this application and to find and seize the property and person described in this application. There is probable cause to believe that SEE ATTACHMENT PAGE ONE SECTION ENTITLED

"PROPERTY TO BE SEIZED"

(Describe property to be seized; or if search warrant is to be used for searching a place

to serve an arrest warrant or other process, name person to be arrested)

constitutes evidence of a crime and the identity of a person participating in a crime,  
SEE ATTACHMENT PAGE ONE SECTION ENTITLED "CRIMES", and is located

(Name Crime)

(check appropriate box(es) and fill-in specified information)

☒ in the following premises SEE ATTACHMENT PAGE ONE SECTION ENTITLED

(Give address and if useful, describe premises)

"IN THE FOLLOWING PREMISES"

(and)

☐ on the following person(s) N/A

(Give name(s) and, if useful, describe person(s))

(and)

☐ in the following vehicle(s) N/A

(Describe vehicle(s))

(and)

☐ N/A

(Name and/or describe other places or items to be searched, if applicable)

The applicant swears to the following facts to establish probable cause for the issuance of a search warrant:

THE FACTS TO ESTABLISH PROBABLE CAUSE FOR THE ISSUANCE OF THIS SEARCH WARRANT ARE SET FORTH ON ATTACHMENT PAGE ONE THROUGH ATTACHMENT PAGE THREE IN SECTION ENTITLED "FACTS TO ESTABLISH PROBABLE CAUSE".

SWORN TO AND SUBSCRIBED BEFORE ME

Date

Signature

Signature of Applicant

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Superior Court ☒ Mag. ☐ Judge

☐ In addition to the affidavit included above, this application is supported by additional affidavit(s) attached, made by:

☐ In addition to the affidavit included above, this application is supported by sworn testimony, given by:

This testimony has been (check appropriate box) ☐ reduced to writing ☐ tape recorded and I have filed each with the Clerk.

\*If a continuation is necessary, continue the statement on an attached sheet of paper with a notation saying "see attachment."  
Date the continuation and include on it the signatures of applicant and issuing official.

ATTACHMENT PAGE ONE attached to the Search Warrant Application of Det Janice Hawkins dated February 12, 2009 in the matter of Verizon number 828-586-0000.

**"PROPERTY TO BE SEIZED"**

1. Any and subscriber information for the Verizon phone number 828-586-0000.

**"CRIMES"**

1. Communicating Threats in Violation of N.C.G.S. 14-277.1
2. Harassing Phone Calls in Violation of N.C.G.S 14-196
3. Threat Against a Executive, Legislative, or Court Officer in violation of N.C.G.S 14-16.7


**"IN THE FOLLOWING PREMISES"**

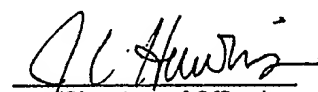
Verizon Legal Compliance  
P.O. Box 1001  
6<sup>th</sup> Floor North  
San Angelo, TX 76902-1001  
888-483-2600  
Fax 325-949-6916

**"FACTS TO ESTABLISH PROBABLE CAUSE"**

**THE AFFIANT SWEARS TO THE FOLLOWING FACTS TO ESTABLISH PROBABLE CAUSE FOR ISSUANCE OF A SEARCH WARRANT:**

I, the affiant, Janice L. Hawkins, am a sworn Law Enforcement Officer in the State of North Carolina employed by the Asheville Police Department for nine years. The affiant maintains the rank of Detective in the Criminal Investigations Division. The affiant's has investigated numerous cases involving residential, business, and vehicular break-ins, misdemeanor and felony larceny, sexual assaults, narcotics, frauds, assaults, homicides, and other community complaints and criminal violations. These investigations have resulted in both the arrest and conviction of numerous persons. The affiant has participated in the execution of numerous search warrants resulting in the seizure of weapons, controlled substances, drug paraphernalia, and evidence directly related to the commission of crimes. The affiant has extensive training in the field of investigations.

  
(Signature of Official)  
2-12-09  
(Date)

  
(Signature of Officer)  
2-12-09  
(Date)

ATTACHMENT PAGE TWO attached to the Search Warrant Application of Det Janice Hawkins dated February 12, 2009 in the matter of Verizon number 828-586-0000.

**"FACTS TO ESTABLISH PROBABLE CAUSE" continued**

On 2/5/09 at 1745 hours an unknown person called US Congressman Heath Shuler's office number 828-252-1651 located at 356 Biltmore Avenue Ste 400, Asheville NC 28801. The caller left a voice message stating "John Adams. I voted for you Heath. If I find that you voted for this stimulus package, I'm gonna kill you, simple as that."

On 2/5/09 at 1751 hours an unknown person called US Congressman Heath Shuler's office number 828-252-1651 and left a voice message stating "You went to school with my daughter. I can't believe what's happening in Washington right now. I can't believe it. I voted for you and I'm a Republican."

On 2/6/09 at 1718 hours US Congressman Heath Shuler's local representative Randy Flack confirmed that US Congressman Heath Shuler would be in the area over the weekend.

Randy Flack states that the office of US Congressman Heath Shuler has no way of determining what number the threatening calls came from. The AT&T number Randy Flack provided, 828-252-1651, is the number to US Congressman Heath Shuler's office at 356 Biltmore Ave, Suite 400, Asheville, NC 28801. He requested that Det Janice Hawkins obtain a search warrant on 828-252-1651 to determine where the calls to US Congressman Heath Shuler originated.

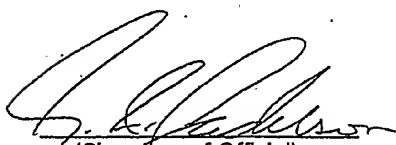
On 02/06/09 at 1812 hours under exigent circumstances the AT&T Court Order Bureau provided the following information regarding calls terminated at 828-252-1651.

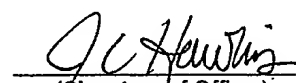
On 02/05/09 at 1742 hours a call was received at 828-252-1651 from Verizon number 828-586-0000. At 1745 hours another call was received from 828-586-0000. At 1750 hour a third call was received from 828-586-0000.

The last two calls from 828-586-0000 correspond to the times the threatening messages were left on the voice mail for US Congressman Heath Shuler.

Police Records do not contain any record of the number 828-586-000 and AT&T 411 Nationwide information could not provide any name or address related to this number.

The facts above indicate the subscriber information for the Verizon number 828-586-0000 will provide possible suspect information in the crimes listed.

  
(Signature of Official)  
2-12-09  
(Date)

  
(Signature of Official)  
2-12-09  
(Date)

ATTACHMENT PAGE THREE attached to the Search Warrant Application of Det Janice Hawkins dated February 12, 2009 in the matter of Verizon number 828-586-0000.


**"FACTS TO ESTABLISH PROBABLE CAUSE" continued**

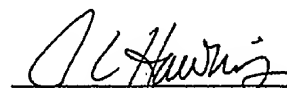
Through training, knowledge, and experience as a law enforcement officer, the affiant knows phone service providers maintain records related to subscriber information, account registration, credit information, billing and airtime records, outbound and inbound call detail, connection time and dates, Internet routing information (Internet Protocol numbers), and message content, that may assist in the identification of person/s accessing and utilizing the account.

The affiant request all documentation be faxed to Det Janice Hawkins at 828-350-0092.

\* It is requested that Verizon not disclose this search warrant application as it could impede the criminal investigation. Such a disclosure could give the subscriber an opportunity to destroy evidence, notify confederates, flee, or continue his flight from prosecution.

**THEREFORE, THE AFFIANT RESPECTFULLY REQUESTS OF THE COURT  
THE ISSUANCE OF A SEARCH WARRANT:**

  
(Signature of Official)  
2-12-09  
(Date)

  
(Signature of Officer)  
2-12-09  
(Date)



## City of Asheville, NC

Police Department

TO: Exigent Circumstance Legal Department  
Cellco Partnership DBA Verizon Wireless  
180 Washington Valley Road  
Bedminster, NJ 07921  
800-451-5242  
Fax: 908-306-7501

FROM: Sgt. [REDACTED]  
Asheville Police Department  
Criminal Investigation Division  
Asheville, NC 28801  
Office [REDACTED]  
Fax: 828-350-0088

Reference [REDACTED]

On 2/6/09 two threatening phone calls were made to US Congressman Heath Shuler reference case number 09-003743. The caller threatened to kill Congressman Schuler. During the course of our investigation it was determined that the threatening phone calls initiated from Verizon subscriber [REDACTED]

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Based on the seriousness of these threatening phone calls being made to a US Congressman exigent circumstance exist as a matter of public safety to maintain national order and the physical safety of Congressman Shuler. The Asheville Police Department is requesting the subscriber information for Verizon subscriber [REDACTED] to include all subscriber information. Please fax the aforementioned exigent circumstance documentation to Sgt. [REDACTED] at fax number [REDACTED] Detective [REDACTED] will be obtaining and providing a search warrant for this information and outgoing phone calls on 2/6/09.

Sgt. [REDACTED]  
Asheville Police Department

*Sgt.* [REDACTED]

P.O. Box 7148 - Asheville, N.C. 28802 - 828-259-5880 - [www.ashevillenc.gov](http://www.ashevillenc.gov)

*The City of Asheville is committed to delivering an excellent quality of service to enhance your quality of life.*



Verizon Wireless  
Law Enforcement Resource Team  
Office of Integrity & Compliance  
180 Washington Valley Road  
Bedminster, New Jersey 07921

February 9, 2009

To: Sergeant [REDACTED]  
Asheville Police Department  
Asheville, NC 28802

Phone #: [REDACTED] Fax #: 828-350-0088  
From: Toni - Analyst - Law Enforcement Resource Team  
Telephone Number: [REDACTED] Option 3  
Fax Number: 908-306-7491/92  
Our Case: 02/10/09-221619  
Your Case #: [REDACTED]

Subject: Sergeant [REDACTED] The above listed telephone number is a landline number, which, belongs to Verizon Communications. Their contact number is [REDACTED] option 3. If you have any questions, or, if I can be of any further assistance, please contact me at the number listed above. My work hours are Monday through Friday 11:00 am until 8:00 pm EST. Have a great day.  
Sincerely,

Toni

Total # of Pages: 2

**\*\*Note: \*\*\*These records cannot be sent via Email\*\*\***

"Please note, that the time reflected on any call detail report or bill copy is reflective of the switch that processed the call, which may not be the same as the clock time at the cell site where the call was initiated."

If the reader of this message is not the intended recipient, or an employee or agent responsible for delivering this message to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify me immediately by replying to this message and deleting it and all copies and backups thereof. Thank you."

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\* \* \* Communication Result Report ( Feb. 10. 2009 1:48PM ) \* \* \*

3}

Date/Time: Feb. 10. 2009 1:47PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
2432 Memory TX	913259473022	P. 1	OK	

Reason for error  
 mmm. 1) Hang up or line fail  
 3) No answer  
 5) Exceeded max. E-mail size

E. 2) Busy  
 E. 4) No facsimile connection

Feb. 10. 2009 12:38PM VZ LC 1

No. 7119 P. 1

VERIZON SERVICE AGREEMENT  
 P.O. BOX 1001  
 NEW YORK, NY 10108-1001  
 800-433-7809

February 10, 2009

## EMERGENCY SITUATION DISCLOSURE REQUEST BY LAW ENFORCEMENT

Verizon may divulge records or other information to governmental entities in certain emergencies, pursuant to 18 U.S.C. § 2702(b)(6) or § 2702(c)(4). Please complete this form to assist Verizon in evaluating your request.

Date of Request: 2/10/09 Verizon Case #: 03257145

1. Does your request relate to an emergency involving danger of death or serious physical injury to any person?  
☒ YES ☐ NO
2. Does this emergency require disclosure without delay of records or other information relating to that emergency?  
☒ YES ☐ NO
3. What is the specific information in Verizon's possession that you are requesting relating to this emergency?  
Subscriber information for [redacted]

If Verizon makes an emergency disclosure to your law enforcement agency or governmental entity pursuant to 18 U.S.C. § 2702(b)(6) or § 2702(c)(4), you agree that Verizon is entitled to reimbursement for costs and fees pursuant to 18 U.S.C. § 2706, and Verizon's fee schedule.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signature: [redacted] Ashville Police Dept.  
 Name of Agency/Governmental Entity  
 Address: Co. 7118 Asheville 100 Carol Plaza  
 City, State, Zip: Asheville NC 28801  
 Telephone: 828-350-0088  
 Fax Number: [redacted]

Invoice information,  
 if different from above:

PLEASE RETURN COMPLETED FORM  
 VERIZON 24 HRS  
 VIA FAX TO: (703) 411-1111  
 Questions, please call: \_\_\_\_\_

All information contained herein should be considered confidential. This information has been prepared and distributed for Law Enforcement only. If you have received this, please do not disclose, copy, or distribute to anyone other than an authorized law enforcement official.

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VERIZON LEGAL COMPLIANCE  
P O BOX 1001 6TH FLOOR NORTH  
SAN ANGELO, TX 76902

VERIZON CONFIDENTIAL - The documents accompanying this telecopy transmission contain confidential information belonging to the sender which is legally privileged. The information is intended only for the use of the individual(s) or entity named. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance of the contents of this telecopied information is strictly prohibited. If you have received this telecopy in error, please immediately notify us by telephone at the number given to arrange for return of the faxed document to us. Thank you.

TO: [REDACTED]
COMPANY: POLICE DEPT ASHEVILLE
FAX NUMBER: 8283500088
PHONE NUMBER: [REDACTED]
FROM: VZLC AS
DATE: 02/10/2009 01:58:02
STARSp Case Number: 09257145000
Docket/File Number: n/a
Faxed Pages: 3
SENDER'S PHONE NUMBER: [REDACTED]
SENDER'S FAX NUMBER: 325-949-6916
Notes/Comments:
[REDACTED]

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=====

STARsxp Case Number 09257145000  
TN: [REDACTED] MSD: [REDACTED] Original Acct DT: 20070412  
Primary BTN: [REDACTED] Account Status: L  
Class of Service: B Local Service Provider:  
Cust Acct Num: [REDACTED]  
Service Date: 20090130 Service Order Num: C9992848  
Service Term Date:  
Billing Company Code: CTNC  
PUB/NON:

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Customer Name: JACKSON COUNTY SHERIFF OFFIC  
Service Address: 978 PINEY MOUNTAIN RD W. WHITTIER NC 28789-7836 null  
Service Location:  
Service City: WHITTIER  
Service State: NC  
Service Zip Code: 287897836

Listing Name: Jackson, County Sheriff Offic  
Listing Address:  
Listing Location:

=====

# INVESTIGATIVE NOTES

Investigator: [REDACTED]

Case #: 09-003743

Date/Time

Notes

2/6/09 1718 hrs.	[REDACTED] - AFF Cong. Health Shuler
	[REDACTED]
	[REDACTED]
	Fax 1-800-294-9805 - [REDACTED] - 20 min.
2/6/09	Aff - [REDACTED] M-F 8-5 central
	Business hrs. [REDACTED] b6 8-5pm b7C
	800-807-4205 emergency
	Aff: 500 E 8th St. Room 1302 Court Order Beaumont Kansas City MO 64106 Fax: 800294 9805
2/6/09 1825	cb/ [REDACTED] - expl. no lead.

## STATE OF NORTH CAROLINA

SWAIN

County

File No.

In the General Court of Justice  
District Court Division

## IN THE MATTER OF:

Name and Address of Respondent

JOHN JACKSON ADAMS  
46 ADAMS ESTATE  
WHITTIER NC 28789FINDINGS AND CUSTODY ORDER  
INVOLUNTARY COMMITMENT

G.S. 122C-261, -263, -281, -283

## FINDINGS

The Court finds from the petition in the above matter that there are reasonable grounds to believe that the facts alleged in the petition are true and that the respondent is probably:

(Check all that apply)

- ☒ 1. mentally ill and dangerous to self or others or mentally ill and in need of treatment in order to prevent further disability or deterioration that would predictably result in dangerousness.
- ☐ in addition to being mentally ill, respondent is also mentally retarded.
- ☐ 2. a substance abuser and dangerous to self or others.

## CUSTODY ORDER

## TO ANY LAW ENFORCEMENT OFFICER:

The Court ORDERS you to take the above named respondent into custody

- ☒ 1. and take the respondent for examination by a physician or eligible psychologist. (A COPY OF THE EXAMINER'S FINDINGS SHALL BE TRANSMITTED TO THE CLERK OF SUPERIOR COURT.)
- > IF the examiner finds that the respondent IS NOT a proper subject for involuntary commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.
  - > IF the examiner finds that the respondent IS mentally ill and a proper subject for outpatient commitment, then you shall take the respondent home or to a consenting person's home in the originating county and release him/her.
  - > IF the examiner finds that the respondent IS mentally ill and a proper subject for inpatient commitment, then you shall transport the respondent to the 24-hour facility named below for temporary custody, examination and treatment pending a district court hearing.
  - > IF the examiner finds that the respondent IS a substance abuser and subject to involuntary commitment, the examiner must recommend whether the respondent be taken to a 24-hour facility or released, and then you shall either release him/her or transport the respondent to the 24-hour facility named below to temporary custody, examination and treatment pending a district court hearing.
- ☐ 2. and transport the respondent directly to the 24-hour facility named below, for temporary custody, examination and treatment pending a district court hearing. (FOR PHYSICIAN/PSYCHOLOGIST PETITIONERS ONLY)

Name Of 24-Hour Facility For Mentally Ill

BALSAM CENTER OR ANY OTHER  
DHR-APPROVED FACILITY

Or following facility designated by area authority:

Date

02/11/2009

Time

7:04:29 PM

Name Of 24-Hour Facility For Substance Abuser

Signature

MICHAEL E BURNETTE

Or following facility designated by area authority:

MAGISTRATE

## NOTE TO MAGISTRATE OR CLERK:

If the respondent is mentally retarded in addition to being mentally ill, you must contact the area authority before issuing a custody order to determine the facility to which the respondent will be taken. If the area mental health authority where the respondent resides has a single portal plan, you must call the area authority to determine the appropriate 24-hour facility or other treatment before issuing any custody order.

## NOTE TO ANY LAW ENFORCEMENT OFFICER:

You shall take the respondent into custody within 24 hours after the date this Order is signed. Without unnecessary delay after assuming custody, you shall take the respondent to an area facility for examination by a physician or eligible psychologist; if a physician or eligible psychologist is not immediately available in the area facility, you shall take the respondent to any physician or eligible psychologist locally available. If a physician or psychologist is not available, you may temporarily detain the respondent in an area facility if one is available; if an area facility is not available, you may detain the respondent under appropriate supervision, in the respondent's home, in a private hospital or clinic, or in a general hospital, but not in a jail or other penal facility.

89A-CE-94597. 4

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02/18/2009

\*\*\*\*\* ARREST \*\*\*\*\*

SENSITIVE / UNCLASSIFIED

Case Number: 89A-CE-94597

Stat Agent Name [REDACTED]

Report Date: 02/18/2009

Serial No.:

Stat Agent SOC [REDACTED]

Accom Date.: 02/12/2009

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Does Accomplishment Involve	Assisting Joint Agencies	Assisting Agents SOC	Subject Name
Drugs . . . . . : N			[REDACTED]
A Fugitive. . . . . : N			
Bankruptcy Fraud. . . . . : N			
Computer Fraud/Abuse. . . . . : N			RA Squad Task Force
Corruption of Public Officials: N			-----
Money Laundering. . . . . : N			ASH 9

Sub. Invest. Asst by Other FOs:

1 = Used, but did not help  
2 = Helped, Minimally  
3 = Helped, Substantially  
4 = Absolutely Essential

## Investigative Assistance or Technique Used

FINAN ANALYST	LAB FIELD SUP	UCO - NAT BACK	VICT-WITN COOR
AIRCRAFT ASST	PEN REGISTERS	NCAVC/VI-CAP	IO WANTED FLYR
COMPUTER ASST	PHOTO COVERGE	CRIM/NS INTEL	SARS
CONSEN MONITR	POLYGRAPH	CRIS NEG-FED	CART
ELSUR/FISC	SRCH WAR EXEC	CRIS NEG-LOC	ASSET FORF PRO
ELSUR/III	SHOW MONEY	ERT ASST	FORF SUPPORT P
ENG FIELD SUP	SOG ASST	BUTTE-ITC	TFOS/CTD
ENG TAPE EXAM	SWAT TEAM	SAVANNAH-ITC	CXS/CTD
LEGATS ASST.	TECH AG/EQUIP	POC-WRCSC	INFRAGARD/CYD
EVIDNCE PURCH	TEL TOLL RECS	FT. MON-NRCSC	OFC/CID
INFORMANT/CW	UCO-GROUP I	FOR LANG ASST	PPP
LAB DIV EXAMS	UCO-GROUP II	NON FBI LAB EX	

Arrest is for Federal, Local, or International (F/L/I).. : F  
Arrest Subject Priority (A/B/C)..... : A  
Did Subject Resist (Y/N)..... : N  
Was Subject Armed (Y/N)..... : N

## United States Code Violation

Title	Section	Count
18	115	1

Accomplishment Narrative

89A-CE-94597-5

02/18/2009

\*\*\*\*\* COMPLAINT \*\*\*\*\*

SENSITIVE / UNCLASSIFIED

Case Number: 89A-CE-94597

Stat Agent Name:

Report Date: 02/18/2009

Serial No.:

Stat Agent SOC:

Accom Date.: 02/12/2009

b6  
b7C

Does Accomplishment Involve	Assisting Joint Agencies	Assisting Agents SOC	Subject Name
Drugs . . . . . : N			
A Fugitive. . . . . : N			
Bankruptcy Fraud. . . . . : N			
Computer Fraud/Abuse. . . . . : N			
Corruption of Public Officials: N			
Money Laundering. . . . . : N			

RA	Squad	Task Force
ASH	9	

Sub. Invest. Asst by Other FOs:

1 = Used, but did not help  
 2 = Helped, Minimally  
 3 = Helped, Substantially  
 4 = Absolutely Essential

## Investigative Assistance or Technique Used

FINAN ANALYST	LAB FIELD SUP	UCO - NAT BACK	VICT-WITN COOR
AIRCRAFT ASST	PEN REGISTERS	NCAVC/VI-CAP	IO WANTED FLYR
COMPUTER ASST	PHOTO COVERGE	CRIM/NS INTEL	SARS
CONSEN MONITR	POLYGRAPH	CRIS NEG-FED	CART
ELSUR/FISC	SRCH WAR EXEC	CRIS NEG-LOC	ASSET FORF PRO
ELSUR/III	SHOW MONEY	ERT ASST	FORF SUPPORT P
ENG FIELD SUP	SOG ASST	BUTTE-ITC	TFOS/CTD
ENG TAPE EXAM	SWAT TEAM	SAVANNAH-ITC	CXS/CTD
LEGATS ASST.	TECH AG/EQUIP	POC-WRCSC	INFRAGARD/CYD
EVIDNCE PURCH	TEL TOLL RECS	FT. MON-NRCSC	OFC/CID
INFORMANT/CW	UCO-GROUP I	FOR LANG ASST	PPP
LAB DIV EXAMS	UCO-GROUP II	NON FBI LAB EX	

Complaint is for Federal/Local/International (F/L/I)... : F

Civil Rico Complaint (Y/N)..... : N

## United States Code Violation

Title	Section	Counts
18	115	1

## Accomplishment Narrative

SENSITIVE / UNCLASSIFIED

89A-CE-94597-5



## Accomplishment Report

Date Prepared

2/12/09

Date Loaded

02-18-09

Date Loader's Initials

XC

Squad supervisor approval  
(please initial)Accomplishment must be reported and loaded into  
ISRAA within 30 days from date of accomplishment)

Accomplishment involves:  
(check all that apply)

Drugs ☐

A Fugitive ☐

Bankruptcy Fraud ☐

Computer Fraud/Abuse ☐

Corruption of Public Official ☐

Money Laundering ☐

Sub Invest Asst by FO(s) ☐

File Number  
89A-CE-94597Asst. FO(s)  
A. B. C. D.

Task Force

Assisting Agencies x •

1.

2.

RA Squad  
Ah Ah

Assisting Agents Soc. Sec. No. x

1. - -

Name:

2. - -

Name:

Investigative Assistance or Technique Used

1. Used, but did not help  
2. Helped, minimally  
3. Helped, substantially  
4. Absolutely essential

For Sub. Invest. Assist. by other FO(s) indicate A, B, C, D for corresponding FO

Rate	FO	IAT	Rate	FO	IAT	Rate	FO	IAT	Rate	FO	IAT
	Fin. Analyst			Lab. Field Sup			UCO - Nat.Back			Vict-Witn Coor	
	Aircraft Asst.			Pen Registers			NCAVC/VI-CAP			IO Wanted Flyer	
	Computer			Photo Cover			Crim/NS Intel Asst			SARs	
	Consen Mon.			Polygraph			Crisis Neg.- Fed			CART	
	ELSUR / FISC			Search Warrant			Crisis Neg.- Local			Asset Forf Prog	
	ELSUR / T. III			Show Money			ERT Asst.			Forf Support Proj	
	Eng. Field Spl.			SOG Asst.			Butte - ITC			TFOS/CTD	
	Eng. Tape Ex.			Swat Team			Sav - ITC			CXS/CTD	
	Legals Asst.			Tech. Ag/Equip.			Poc - ITC			InfraGard/CyD	
	Evid. Purchase			Phone Toll Rec			FL Mon. - ITC			OFC/CID	
	Inf/CW Info			UCO - Group I			For. Lang Asst.			PPP	
	Lab. Div. Exam			UCO - Group II			Non FBI Lab Ex				

A. Complaint / Information / Indictment

☒ Federal ☐ Local ☐ International

Complaint Date: 2/12/09

Check if Civil Rico Complaint ☐

Information Date: \_\_\_\_\_

Indictment Date: \_\_\_\_\_

F. Conviction

☐ Federal ☐ Local ☐ International

Conviction Date: \_\_\_\_\_

Subject Description Code \_\_\_\_\_ • (\_\_\_\_\_) •

For 6F, G, H-Include Agency Code

☐ Felony or ☐ Misdemeanor

☐ Plea or ☐ Trial

State: \_\_\_\_\_ Judicial District: \_\_\_\_\_

J. Civil Rico Matters Date: \_\_\_\_\_

Also complete "Section G"

Other Civil Matters Date: \_\_\_\_\_

Judgment \_\_\_\_\_ •

Judicial Outcome \_\_\_\_\_ • x

Amount \$ \_\_\_\_\_

Suspension: Years \_\_\_\_\_ Months \_\_\_\_\_

B. Locate / Arrest

☒ Federal ☐ Local ☐ International

Subject Priority: ☒ A ☐ B ☐ C

Locate Date: 2/12/09

Arrest Date: 2/12/09

☐ Subject Resisted Arrest

☐ Subject Arrested was Armed

G. U.S. Code Violation

Required for sections A, B, F and J  
(Federal Only)

Title	Section	# Counts
18	115	1

K. Administrative Sanction Date: \_\_\_\_\_

Subject Description Code \_\_\_\_\_ •

Type: \_\_\_\_\_ Length: \_\_\_\_\_

☐ Suspension ☐ Permanent

☐ Debarment or ☐ Injunction

Year \_\_\_\_\_ Months \_\_\_\_\_

C. Summons Date: \_\_\_\_\_

☐ Federal ☐ Local

L. Asset Seizure Date: \_\_\_\_\_

Asset Forfeiture Date: \_\_\_\_\_

CATS # Mandatory \_\_\_\_\_

Circle below one of the three asset forfeiture:  
Admin, Civil Judicial, or Criminal

Do not indicate \$ value in Section D

D. Recovery / Restitution / PELP X

☐ Federal ☐ Local ☐ International

Recovery Date: \_\_\_\_\_

Code • \_\_\_\_\_ ✓ Amount \$ \_\_\_\_\_

Code • \_\_\_\_\_ ✓ Amount \$ \_\_\_\_\_

Restitution Date: \_\_\_\_\_

☐ Court Ordered ☐ Pretrial Diversion

Code • \_\_\_\_\_ ✓ Amount \$ \_\_\_\_\_

PELP Date: \_\_\_\_\_

Code • \_\_\_\_\_ ✓ Amount \$ \_\_\_\_\_

H. Sentence Date: \_\_\_\_\_

Sentence Type: \_\_\_\_\_ •

In Jail: Years \_\_\_\_\_ Months \_\_\_\_\_

Suspended: Years \_\_\_\_\_ Months \_\_\_\_\_

Probation: Years \_\_\_\_\_ Months \_\_\_\_\_

Fines: \$ \_\_\_\_\_

M. Acquittal/ Dismissal/ Pretrial Diversion

(Circle one) Date: \_\_\_\_\_

E. Hostages(s) Released Date: \_\_\_\_\_

Released by: ☐ Terrorist ☐ Other

Number of Hostages: \_\_\_\_\_

I. Disruption/Dismantlement: ✓

Disruption Date: \_\_\_\_\_

Dismantlement Date: \_\_\_\_\_

Completion of FD-515a Side 2 Mandatory

N. Drug Seizures ✓ Date: \_\_\_\_\_

Drug Code • \_\_\_\_\_

Weight \_\_\_\_\_ Code • \_\_\_\_\_

FDIN \_\_\_\_\_

Do not indicate \$ in Section D

O. Child Victim Information

Child located / Identified Date: \_\_\_\_\_

☐ Living ☐ Deceased

P. Subject Information - Required for all blocks excluding block D (Recovery/PELP), blocks E, I, L and N

Name	Race •	Sex	Date of Birth	Social Security No. (if available)
	W	M		

For Indictments/Convictions only:

☐ Subject related to an LCN, Asian Organized Crime (AOC), Italian Organized Crime (IOC), Russian/Eastern European, Caribbean, or Nigerian Organized Crime Group - Complete FD-515a, Side 1 Blocks A-E mandatory, F-H as appropriate.

☐ Subject related to an OC/Drug organization, a VCMO Program National Gang Strategy target group, or a VCMO Program National Priority Initiative target group - Complete FD-515a, Side 1 Blocks A-C only.

x Additional information may be added by attaching another form or a plain sheet of paper for additional entries.

✓ See codes on reverse side.

✓ Requires that an explanation be attached and loaded into ISRAA for recovery over \$1 m and PELP over \$5 m, disruption, dismantlement, and drug seizures.

Serial No. of FD-515

b6  
b7c

(S)

**QUERY THE NC DRIVER ISSUANCE FILE (QDF)**

**PERSON DATA**

Customer ID (OLN)

Name (NAM)

Date of Birth (DOB)  Age (AGE)  Race (RAC)  Sex (SEX)

City (CTY)  County (COU)

☐ IMG (FUTURE USE)

**OTHER QUERY DATA**

Issuance Only (No History) (ISS)  Vehicle Registration (REG)

Attention (ATTN)  Number of Pages (PAG)

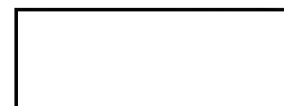
b6  
b7C

89A-CE-94557-6

Page: 1

b6  
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NO RECORD AT CJIS  
2/11/09 DLW



release

QUERY STATE REGISTRATION (QVR)			
<b>LICENSE PLATE DATA</b>			
License Plate (LIC)	<input type="text"/>	Plate Year (LY)	<input type="text"/> <input type="checkbox"/> All ...
<b>VEHICLE DATA</b>			
Vehicle ID Number (VIN)	<input type="text"/>		
Year of Manufacture (VYR)	<input type="text"/>	Make (VMA)	<input type="text"/> ... Vehicle Style (VST) <input type="text"/> ...
<b>OTHER QUERY DATA</b>			
Name (NAM)	<input type="text"/>		
Date of Birth (DOB)	<input type="text"/>	Business Query (BUS)	<input type="text"/>
City (CIT)	<input type="text"/>	County (COU)	<input type="text"/> ...
Customer ID (OLN)	<input type="text"/>	Number of Pages (PAG)	<input type="text"/>
Driver's History Inquiry (HIS)	<input type="text"/>	Driver Issuance or Issuance Only (ISS)	<input type="text"/>
Title Number (TLE)	<input type="text"/>	Handicap Placard Number (HCP)	<input type="text"/>
Eligibility Information (LEN)	<input type="text"/>		
Attention of Recipient (ATN)	<input type="text"/>		

b6  
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**III INQUIRY TRANSACTION (QH)**

**AGENCY/CASE DATA**

Originating Agency Code (O...): NCFBIAV00

Purpose Code (PUR): C

Attention (ATN): SA [REDACTED]

Attention (A...): [REDACTED]

Operator (OPR): DLW

**PERSON DATA**

Name (NAM): [REDACTED]

Sex (SEX): M

Race (RAC): [REDACTED]

Date of Birth (D...): [REDACTED]

Social Security Number (S...): [REDACTED]

FBI Number (F...): [REDACTED]

State Identification Number (S...): [REDACTED]

Miscellaneous Number (...): [REDACTED]

**TEST INDICATOR**

Test Indicator: N

b6  
b7C

**III INQUIRY TRANSACTION (QR)**

**AGENCY/CASE DATA**

Originating Agency Code (O): NCFBIAV00 Purpose Code (PUR) C

Attention (ATN) SA Attention (AT2) Operator (OPR) DLW

**PERSON DATA**

Name (NAM) FBI Number (FBI)

State Identification Number (S)

**TEST INDICATOR**

Test Indicator N

b6  
b7C

QUERY AOC FOR CRIMINAL DEFENDANT NAME (QACD)									
<b>PERSON DATA</b>									
Name (NAM)						Depth			
Sex (SEX)		M				Race (RAC)		W	
Date of Birth (DOB)				or Age (AGE)				Year Range	
<b>AGENCY/CASE DATA</b>									
Attention									
Case Year(s)				thru				Case Status	
Court County/Level(s)									
Archive									
Charged: Offense Type									
Convicted: Offense Type									
<b>OFFENSE STATUS</b>									
Called and Fail...				Order of Arrest				Probation Violation	
Unserviced				Dismissed with Leave				Failure to Comply	

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b7C

VERIZON LEGAL COMPLIANCE  
P O BOX 1001  
6TH FLOOR NORTH  
SAN ANGELO, TX 76902 - 1001  
888-483-2600

February 10, 2009

Reading the Special Computer Search report:

Orig # Term # Call Date Connect Time Call Duration Time Source Call Type

Orig # - Originating number is the telephone number where the call was originated from. The originating (number) party "dialed" the terminating number being called. If the originating number is blank, the number is unobtainable; the switch the call was processed through may not have been compatible. If retrievable a carrier code will be displayed. The carrier should be contacted to possibly identify the originating number.

Term # - The terminating number is the location where the call was answered. All zeros (000-000-0000) may be displayed. This occurs for different reasons; i.e.: if an operator was dialed, a number not completely dialed and or a specific feature was used before dialing.

Call Date - is the date the call was made.

Connect Time - is the time the call was initiated.

Duration - is the duration of the call.

Time Source -T or O

T- indicates the call was retrieved via the terminating switch. The time zone of this call would be associated with the terminating npa/nxx (npa = area code, nxx = first 3 digits of telephone number).

O - indicates the call was retrieved via the originating switch. The time zone of this call would be associated with the originating npa/nxx.

Call Type - Details the type of call carried by Verizon. Calls not carried by Verizon will display the company code for the company that carried the call. Data for calls carried by other carriers should be confirmed with that carrier. Please see the below explanation for Cellular calls.

-- Cellular calls to landline numbers, if available, may display the first 6 digits of the number for the cellular provider. The last 4 digits may display as 2222, 1111 or 0000. Telephone numbers (on the printout) ending with 2222, 1111 or 0000 involving cellular numbers are usually the hub site default number for the cellular company. The particular cellular company would have to be contacted to obtain information for the actual cellular subscriber.

-- Cellular calls to landline numbers that display the area code for the cellular number as 999 are not valid numbers. No part of the number is valid. This is due to the cellular provider not transmitting the calling party's number. There is no record of which cellular provider carried the call.

The following calls may or may not appear:

- Calls such as operator-assisted, calling card, and collect calls may or may not appear based upon switch capabilities.
- Local calls will not always be detailed. If the call originates from a measured service it should be retrievable. If a call originates from a flat rate service, it may not be retrieved.
- 911 calls usually will not appear on Special Computer Searches.

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FEDERAL BUREAU OF INVESTIGATION

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an

Precedence: IMMEDIATE

Date: 02/09/2009

To: Charlotte

Attn: Asheville RA

SA [REDACTED]

From: Washington Field

Violent Crimes Squad CDR-2

Contact: TFO SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

dal

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Case ID #: 89A-WF-C238250 (Pending) - 7

Title: THREATS AGAINST MEMBERS OF CONGRESS

Synopsis: Request case be opened and assigned by Asheville RA regarding threat against Congressman Shuler.

Details: On February 5, 2009 at approximately 1745 hours, an unknown male subject left a threatening voice mail message at the Asheville, NC office of Congressman Shuler. The subject stated: "I voted for you. If you don't vote for the stimulus package, I'm gonna kill you. Simple as that." The office's voice mail system did not capture the subject's telephone number, nor did the subject identify himself.

On February 6, 2009, the Congressman's Asheville office notified SA [REDACTED] U.S. Capitol Police Threat Assessment Section, who then notified TFO SA [REDACTED] of the Washington Field Office CR-2 Violent Crimes Task Force.

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89A-CE 94597-12

LA-DO [REDACTED]  
JDL/ak



UNCLASSIFIED

To: Charlotte From: Washington Field  
Re: 89A-WF-C238250, 02/09/2009

LEAD(s):

Set Lead 1: (Action)

CHARLOTTE

AT ASHEVILLE, NC

It is requested that a case be initiated and a logical line of investigation conducted regarding the threat against Congressman Shuler. Please advise Washington Field at earliest date as to legitimacy of threat so that Washington Field may coordinate with U.S. Capitol Police.

DL090402.WPD

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UNCLASSIFIED

# FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/20/2009

To: Charlotte

From: Charlotte

Asheville RA/Victim Assistance Program

Contact: [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

Case ID #: 89A-CE-94597 (Pending) / 13

188B-CE-C92174-C (Pending) / 103

VICTIM NOT BEING  
NOTIFIED; ENTERED  
FOR VNS ONLY

Title: VICTIM NOTIFICATION FORM

Synopsis: Heath Shuler-victim

Reference: 89A-CE-94597 Serial 1

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## Details:

VnsCase#: 89A-CE-94597

CagtName: [REDACTED]

PContact: Person

BusName :

BuseIN :

BusAcct :

VicFirN : Heath

VicMidN :

VicLastN: Schuler

SSAN :

VicDate : 20090103

VicDOD :

VicMinor: N

DOB :

Race :

Sex : M

Addr :

Addr2 :

City : Asheville

State : NC

Country : US

Zip :

Email :

HPhone :

Fax :

✓ 89A-CE-94597-13  
Q

To: Charlotte From: Charlotte  
Re: 89A-CE-94597, 03/20/2009

VWrkAddr:  
VWrkadd2:  
VWrkCity:  
VWrkSt :  
VWrkCtry:  
VWrkZip :  
WEmail :  
WPhone :  
WFax :  
VicPager:  
NOKFirN :  
NOKMidN :  
NOKLastN:  
NOKRel :  
NOKAddr :  
NOKAddr2:  
NOKCity :  
NOKState:  
NOKCtry :  
NOKZip :  
NOKHEmal:  
NOKWEmal:  
NOKHPho :  
NOKWPho :  
NOKHFax :  
NOKWFax :  
NOKPager:  
GrdFirN :  
GrdMidN :  
GrdLastN:  
GrdRel :  
GrdAddr :  
GrdAddr2:  
GrdCity :  
GrdState:  
GrdCtry :  
GrdZip :  
GrdHEmal:  
GrdWEmal:  
GrdHPho :  
GrdWPho :  
GrdHFax :  
GrdWFax :  
GrdPager:  
PropRet : N  
TotLoss : 000000000  
Lang. : EN  
Disable :

PERSON CLEAR TRANSACTION (CW)			
<b>AGENCY/CASE DATA</b>			
Originating Agency Code (ORI)	NCFBICE00		
Date of Clear (DCL)	02132009	Recovering Agency Identifier (RRI)	
Recovering Case Number (RCA)			
Reason for Record Removal (RPS)		... Date (RPS)	
Person Armed (PAR)		Hit Results (HIT)	...
Value of Recovered Property (VNP)		Value of Other Property Recovered (VOR)	
Value of Recovered Contraband (VRC)		Number of Persons Apprehended (NPA)	
Number of Missing Persons Found (NPF)			
<b>RECORD IDENTIFYING DATA</b>			
NCIC Number (NIC)			
Agency Case Number (OCA)			
Name (NAM)			
<b>TEST INDICATOR</b>			
Test Indicator	N ...		

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b7C

DATE	02/13/09	TIME	10:00
STATUS	1	REASON	1
PROPERTY	1	REASON	1
CLEAR	1	REASON	1
REASON	1	REASON	1
DATE	02/13/09	TIME	10:00

02/13/09 0205925324

PERSON INQUIRY TRANSACTION (QW)		_   □   X
<b>AGENCY/CASE DATA</b>		
Originating Agency Code (ORI)	NCFBICE00	NCIC Number (NIC) W205925324
Agency Case Number (OCA)		
Related Search Hit (RSH)		
<b>PERSON DATA</b>		
Name (NAM)		
Expanded Name Search (ENS)	Sex (SEX)	Race (RAC)
Date of Birth (DOB)	Extended Date of Birth Search ...	
Social Security Numbe...	Miscellaneous Number (...)	
FBI Number (FBI)	License Number (O...)	
<b>VEHICLE DATA</b>		
Vehicle ID Number (VIN)		
Make (VMA)		
<b>LICENSE PLATE DATA</b>		
License Plate (LIC)	State (LIS)	
<b>IMAGE DATA</b>		
Image Indicator (IND) Y		
<b>TEST INDICATOR</b>		
Test Indicator N		

NCIC	SUPR.	OPR.	AGENT
ENTER	[ ]		
MODIFY	[ ]		
CLEAR	[ ]		
CANCEL	[ ]		
LOGATE	[ ]		
DATE _____ NCIC # _____			

[redacted] (FBI)

From: [redacted] (FBI)  
Sent: Friday, February 13, 2009 11:51 AM  
To: [redacted] (FBI)  
Cc: [redacted] (FBI)  
Subject: Removal of Subject from NCIC

UNCLASSIFIED  
NON-RECORD

Per request of SA [redacted] please remove the following subject from NCIC:

[redacted]  
W/M

Date of birth [redacted]

NIC# [redacted]

Subject is in custody of US Marshal's

[redacted]

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89A - CE 94597

UNCLASSIFIED

- 1 -

## FEDERAL BUREAU OF INVESTIGATION

Date of transcription 03/16/2009

[redacted] a.k.a. as [redacted] born [redacted]  
[redacted] Social Security/Account Number [redacted] of [redacted]  
[redacted] telephone [redacted] was  
interviewed at his residence. Present for the interview was [redacted]  
wife [redacted] After being advised of the identity of the  
interviewing Agents, [redacted] provided the following information:

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Contact was made with [redacted] as he returned to his residence in a vehicle. He allowed the Agents to follow him home and he was approached outside his vehicle. He was asked if he knew what the interviewing Agents were seeking to talk to him about and he stated because he had called HEATH SHULER. He was asked to talk about the call and he stated "I said I was gonna kill him." He made this statement without emotion and did not elaborate so he was asked if he still wanted to kill the Congressman. He stated "I didn't mean it." Again, after a long pause he stated without emotion "it was a joke." He then volunteered that he did not have a gun.

[redacted] invited the interviewing Agents into his residence. [redacted] stated that [redacted] was on medications and having problems with his memory. [redacted] provided prescription pill bottles to the Agents regarding his medication. The first medication, Quetiapine Fumarate 50mg, replaced a prescription that he had taken until the preceding Friday, however they could not recall the name of the prior medication. [redacted] was also taking Aricept 10mg, and another pill from an unlabelled bottle.

When asked when he made the call to SHULER, [redacted] advised it had been one evening the previous week, however he could not remember the exact date. He stated he was watching CNN and saw a piece about the stimulus package and he did not like what he saw.

[redacted] was familiar with SHULER [redacted]  
[redacted] stated that he had the telephone number for the Congressman because he had called before to obtain the Congressman's assistance with a problem he was having with the VA Hospital.

b6  
b7CInvestigation on 02/11/2009 at Whittier, North CarolinaFile # 89A-CE-94597 - 15 Date dictated Not Dictatedby SA [redacted] cml  
TFO [redacted]

89A-CE-94597

Continuation of FD-302 of [REDACTED]

, On 02/11/2009 , Page 2

From his Rolodex, [REDACTED] produced a card containing the following information:

Congressman Heath Shuler  
356 Biltmore Avenue  
Suite 400  
Asheville, NC 28739

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[REDACTED] stated he called the office multiple times that evening, however he only left two messages, about five minutes apart from each other.

[REDACTED] recalled that on his first call he said "Heath, if you vote on that bill I'm gonna kill your ass." He recalled that on his second message he stated "This is [REDACTED] You dated my daughter and went to school with her. Please don't vote on that bill." When asked if he had threatened SHULER on the second call, [REDACTED] stated he had not made any threats. When asked again why he would make the calls and threaten a Congressman, [REDACTED] replied that he was "just blowing off steam." He was asked what he thought Congressman SHULER would think upon hearing the messages and [REDACTED] stated that he did not know what SHULER would think. He then offered that "I was trying to work the political scene." He was asked what he would think if someone left him a message saying they would kill him, and he immediately stated that he would be "upset." When asked if he would be scared and worried by it he stated "yeah."

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[REDACTED] wife, [REDACTED] was present for the interview and volunteered the following information during the interview:

During the last three months, she has noticed a drastic change in her husband's mental health. He has become violent and

[REDACTED]  
[REDACTED] and that she had also petitioned for an Emergency Custody Order to obtain mental health services for her husband, however he was subsequently released.

For her safety, she had left for three weeks and had just returned home on Friday, February 6, 2009. On that date she took him to the VA Hospital to see a mental health doctor who prescribed a new medication. [REDACTED] told the doctor that he was hearing voices, and this was the first time his wife had heard that



89A-CE-94597

Continuation of FD-302 of [REDACTED]

, On 02/11/2009 , Page 3

symptom. She stated that the medication seemed to help, but that he had refused to take it the night before (on February 10, 2009) and she had noticed a significant decrease in his mental stability. She had given family members all of the firearms in the residence that she was aware of, but she could not be sure she had all of the weapons. [REDACTED]

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The interview concluded with [REDACTED] being asked if he was sorry for what he had done and he stated "No, the bill was bad." He was then asked again, specifically if he was sorry that he had threatened to kill a United States Congressman and he again stated "No" however after a pause he stated "well, yeah."

UNCLASSIFIED

**FEDERAL BUREAU OF INVESTIGATION**

Precedence: Routine

Date: 08/11/2009

To: Charlotte

From: Charlotte

Asheville RA

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

cml *an*

Case ID #: 89A-CE-94597 (Pending) — 16

Title: [REDACTED]

CONGRESSMAN HEATH SHULER - VICTIM;  
THREATS AGAINST MEMBERS OF CONGRESS

Synopsis: Update file.

Details: On 08/11/2009, authoring Agent contacted AUSA [REDACTED] and confirmed that the above captioned subject is still being evaluated for mental competency by the BOP. No hearings are scheduled at this time, but are expected in the next few months.

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UNCLASSIFIED

SP [REDACTED] 223cm101.ec.upd

[REDACTED] *an*

*(Handwritten signature)*

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

2:09mj7

UNITED STATES OF AMERICA, )  
 )  
Vs. )  
 )  
JOHN JACKSON ADAMS. )  
 )  
 )

ORDER

**THIS MATTER** is before the court on defendant's Motion for Hearing. Having considered defendant's motion and reviewed the pleadings, the court enters the following Order.

ORDER

**IT IS, THEREFORE, ORDERED** that defendant's Motion for Hearing (#15) is **GRANTED**, the hearing is **CALENDARED** for January 12, 2010, at 2 p.m., and the Clerk of this court is respectfully instructed to set up such hearing as a video conference, with the defendant remaining at Butner.

The Warden is respectfully instructed not to transport defendant to Asheville for the hearing due to health concerns and is asked to make video conferencing available at the facility at such date and time.

89A-CE-94597-17

*(Handwritten signature)*  
*(Handwritten signature)*

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Signed: December 28, 2009

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge



IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION

UNITED STATES OF AMERICA,

*Plaintiff,*

vs.

JOHN JACKSON ADAMS,

*Defendant.*

DOCKET NO. 2:09-MJ-7

**MOTION FOR HEARING  
PURSUANT TO 18 U.S.C. § 4246**

Defendant, John Jackson Adams, by and through undersigned counsel, moves this honorable court to schedule a hearing pursuant to 18 U.S.C. § 4246 (a). In support of this motion, Defendant states the following:

1. Mr. Adams made his initial appearance on February 13, 2009, and undersigned counsel was appointed to represent him. At this hearing, the court ordered a competency evaluation, and Mr. Adams was sent to FMC Butner for the evaluation.
2. On May 12, 2009, Mr. Adams appeared via video conference for a competency hearing per agreement by the parties because of his physical health. He was determined to be incompetent and was ordered to remain at FMC Butner for restoration of competency.
3. On September 29, 2009, the second competency hearing was held, and Mr. Adams was deemed to not be restorable to competency. He was sent back to FMC Butner to be evaluated for substantial risk of bodily injury to another person or serious damage to property of another, pursuant to 18 U.S.C. § 4246.
4. FMC Butner just published and released its report on the substantial risk issue. The parties have been in discussion on how to resolve this case. So far, no agreement has been

reached. It is undersigned counsel's understanding that the government has been attempting to acquire information from the victim as to disposition but have been hindered by a prohibition from contacting elected officials.

5. Mr. Adams' evaluators have indicated to undersigned counsel that Mr. Adams wants to be released and undersigned counsel has contacted family members about housing options. Because of his physical health, undersigned counsel is requesting that any hearing be held by video conference so that Mr. Adams is not moved from FMC Butner. The medical team at Butner supports this request. The government has no objection to the video conference. Undersigned counsel would like to be present with Mr. Adams' at the prison when the hearing is held.

6. Because the government is still trying to get word to Congressman Heath Shuler, Mr. Adams' counsel asks that this hearing be held on or after January 7, 2010 to allow the Assistant U.S. Attorney adequate time to get in touch with the victim and for undersigned counsel to make arrangements for travel and admission to FMC Butner.

7. The relevant section of the Federal Criminal Code and Rules, Chapter 313, does not mandate a specific deadline for a 4246 hearing.

8. Counsel will be out of the office from December 28-30, 2009 and from January 4-6, 2010.

9. If the parties are able to arrive at a disposition that will obviate the need for a 4246 hearing, they will notify the court.

WHEREFORE, this Honorable Court is respectfully requested to schedule a 4246 hearing via video conference on or after January 7, 2010.

Dated: December 23, 2009

Respectfully Submitted,

s/ Fredilyn Sison  
NC Bar 38732  
Asst. Federal Defender  
Attorney for Defendant  
Federal Defenders for the Western District of NC  
1 Page Avenue, Suite 210  
Asheville, NC 28801  
(828) 232-9992  
Fax (828) 232-5575  
E-Mail: Fredilyn\_Sison@fd.org

#### CERTIFICATE OF SERVICE

I, Fredilyn Sison, an employee with the Federal Defenders for the Western District of North Carolina, hereby certify that a true and correct copy of the above and foregoing **MOTION FOR HEARING PURSUANT TO 18 U.S.C. § 4246** was duly served upon Don Gast, Asst. U.S. Attorney, by e-mail to [Don.Gast@usdoj.gov](mailto:Don.Gast@usdoj.gov) and by electronic filing, this 23<sup>rd</sup> day of December, 2009.

---

s/ Fredilyn Sison  
E-Mail: Fredilyn\_Sison@fd.org

**2:09-mj-00007-DLH USA v. Adams****Date filed: 02/12/2009****Date of last filing: 12/29/2009**

## History

Doc. No.	Dates	Description
	<i>Filed:</i> 02/12/2009 <i>Entered:</i> 02/13/2009	Add and Terminate Attorneys
	<i>Filed:</i> 02/12/2009 <i>Entered:</i> 02/13/2009	Arrest
<u>1</u>	<i>Filed:</i> 02/12/2009 <i>Entered:</i> 02/13/2009	Complaint
<u>2</u>	<i>Filed:</i> 02/12/2009 <i>Entered:</i> 02/13/2009	Warrant Issued
	<i>Filed &amp; Entered:</i> 02/13/2009	Initial Appearance
	<i>Filed &amp; Entered:</i> 02/13/2009	Oral or Text-Only Order
	<i>Filed &amp; Entered:</i> 02/13/2009	Oral Order Appointing Counsel
	<i>Filed &amp; Entered:</i> 02/13/2009	Add and Terminate Attorneys
<u>3</u>	<i>Filed &amp; Entered:</i> 02/13/2009	Financial Affidavit - CJA23
<u>5</u>	<i>Filed:</i> 02/13/2009 <i>Entered:</i> 02/18/2009	Redacted Document
<u>4</u>	<i>Filed &amp; Entered:</i> 02/17/2009 <i>Terminated:</i> 02/18/2009	Motion for Psychiatric Exam
<u>6</u>	<i>Filed &amp; Entered:</i> 02/18/2009	Order - Written Order Following Oral Order on Motion
<u>7</u>	<i>Filed &amp; Entered:</i> 03/19/2009	Order
	<i>Filed &amp; Entered:</i> 05/08/2009	Notice of Hearing
<u>8</u>	<i>Filed &amp; Entered:</i> 05/11/2009	Psychiatric Report
	<i>Filed &amp; Entered:</i> 05/12/2009	Competency Hearing
<u>9</u>	<i>Filed &amp; Entered:</i> 05/13/2009	Sealed Order
<u>10</u>	<i>Filed:</i> 05/18/2009 <i>Entered:</i> 05/19/2009	Warrant Returned Executed
<u>11</u>	<i>Filed &amp; Entered:</i> 07/23/2009	Notice of Attorney Appearance - USA
	<i>Filed &amp; Entered:</i> 09/24/2009	Notice of Hearing
<u>12</u>	<i>Filed &amp; Entered:</i> 09/24/2009	Psychiatric Report
	<i>Filed &amp; Entered:</i> 09/29/2009	Competency Hearing
	<i>Filed &amp; Entered:</i> 09/29/2009	Status Conference
	<i>Filed &amp; Entered:</i> 09/29/2009	Oral or Text-Only Order
<u>13</u>	<i>Filed &amp; Entered:</i> 10/05/2009	Sealed Order
	<i>Filed &amp; Entered:</i> 12/11/2009	Add and Terminate Attorneys



<u>14</u>	<i>Filed &amp; Entered:</i> 12/11/2009	🕒 Psychiatric Report
<u>15</u>	<i>Filed &amp; Entered:</i> 12/23/2009 <i>Terminated:</i> 12/29/2009	🕒 Motion for Hearing
	<i>Filed &amp; Entered:</i> 12/29/2009	🕒 Notice of Hearing
<u>16</u>	<i>Filed &amp; Entered:</i> 12/29/2009	🕒 Order on Motion for Hearing

PACER Service Center			
Transaction Receipt			
12/31/2009 13:42:47			
PACER Login:	df1246	Client Code:	
Description:	History/Documents	Search Criteria:	2:09-mj-00007-DLH
Billable Pages:	1	Cost:	0.08

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**FEDERAL BUREAU OF INVESTIGATION**

Precedence: ROUTINE

Date: 01/15/2010

To: Charlotte

From: Charlotte

Asheville RA

Contact: SA [REDACTED]

Approved By: [REDACTED]

Drafted By: [REDACTED]

cml *a*

Case ID #: 89A-CE-94597 (Closed) -18

Title: [REDACTED]

CONGRESSMAN HEATH SHULER - VICTIM;  
THREATS AGAINST MEMBERS OF CONGRESS

Synopsis: Close investigation.

b6  
b7C

Details: [REDACTED] over the past 10 months, was detained in FCI Butner to determine his competency to stand trial. He was found to be incompetent to stand trial, unable to regain competency, and finally determined not to be a danger to himself or others. As a result of these three findings, the law requires [REDACTED] to be released and the matter dismissed. During the week of January 4, 2010, the above captioned matter was dismissed as required by law. AUSA [REDACTED] notified the victim in this matter.

It is requested that the case status be changed to reflect the matter as closed.

♦♦

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✓ 01-19-10  
CLOSE  
C-5 *a*

51 [REDACTED] 0150103. cc *wpa*

[REDACTED]

FEDERAL BUREAU OF INVESTIGATION  
FOIPA  
DELETED PAGE INFORMATION SHEET

No Duplication Fees are charged for Deleted Page Information Sheet(s).

Total Deleted Page(s) ~ 85

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